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VERMONT

STATE PAPERS;

BEING A COLLECTION OF

RECORDS AND DOCUMENTS,

CONNECTED WITH THE ASSUMPTION AND ESTABLISHMENT
OF GOVERNMENT BY THE PEOPLE OF

VERMONT;

TOGETHER WITH THE

Journal of the Council of Safety,

THE FIRST CONSTITUTION,

THE EARLY JOURNALS OF THE GENERAL ASSEMBLY,

AND THE

LAWS

FROM THE YEAR 1779 TO 1786, INCLUSIVE.

TO WHICH ARE ADDED THE PROCEEDINGS

OF THE FIRST AND SECOND COUNCILS OF CENSORS.

COMPILED AND PUBLISHED BY
WILLIAM SLADE, Jun. Secretary of State.

MIDDLEBURY:
J. W. COPELAND, PRINTER.
1823.

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DISTRICT OF VERMONT, To wit.

L. S.

BE IT REMEMBERED, that on the third day of February, in the forty-seventh year of the Independence of the United States of America, WILLIAM SLADE, Junior, of the said district, Esquire, hath deposited in this office, the title of a book, the right whereof he claims as proprietor, in the words following, to wit:—"Vermont State Papers; being a collection of records and documents connected with the assumption and establishment of government by the people of Vermont; together with the journal of the Council of Safety, the first Constitution, the early journals of the General Assembly, and the laws from the year 1779, to 1786, inclusive. To which are added the proceedings of the first and second Councils of Censors. Compiled and published by WILLIAM SLADE, Jun. Secretary of State." In conformity to the act of the Congress of the United States, entitled "an act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned."

JESSE GOVE,
Clerk of the District of Vermont.

A true copy of record, examined and sealed by
J. GOVE, *Clerk.*

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ERRATA.

Page 167, 2d line from bottom, for *exhibits*, read exhibit.
488, bottom line, for *attentive*, read authentic.

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AN ACT for collecting and perpetuating the records, relative to the assumption and establishment of government, in this State, and such acts of the Legislature, as are not in print.

SECTION I. *It is hereby enacted by the General Assembly of the State of Vermont,* That Daniel Chipman, of Middlebury, in the county of Addison, be, and he hereby is appointed an agent, to examine and collect all the records of the Council of safety, by which the people, in the then New Hampshire grants, were governed: and to make a contract for printing and publishing a volume, containing not less than 450 pages; and to contain the first Constitution of this State and such of the acts of the Legislature, passed previous to the year, 1787, as said agent shall judge proper, and all the records of said Council of safety, which can be found, and such of the early journals of the Council, and House of Representatives, as such agent shall judge worthy of publication. *Provided,* that the whole expense to be incurred under this act, shall not exceed the sum of three hundred dollars:—*And provided also,* that said agent shall deliver to the Secretary of State, at Montpelier, fifty full bound volumes of such records and laws, at the next session of the Legislature. And the person, with whom said agent may contract to print such edition, shall be entitled to the remaining part of the same, after deducting said fifty volumes; and shall be entitled to the copy right of the book, by him printed.

SEC. 2. *It is hereby further enacted,* that the Treasurer of this State, be, and he hereby is directed to pay to said agent, out of any monies in the Treasury not otherwise appropriated, any sum, not exceeding three hundred dollars.—[*Passed Nov.* 15, 1821.]

INTRODUCTION.

The general diffusion of intelligence constitutes the life of a free government. Upon every department of such a government the people exert an unremitted influence, and stamp on all its measures the impress of their own character. Called upon to *act*, they should become accustomed to *think*; and though they cannot, ordinarily, possess extended and comprehensive views of other systems of government, they should, at least, understand their own. The whole science of government consists in a knowledge of the *practical operation* of principles. With the science, thus understood, the citizens of every free government owe it to themselves and their posterity to become familiarly acquainted. The preservation of their political institutions depends, under Divine Providence, on themselves. Those institutions therefore,—their origin, their nature, their practical operation, and their whole history, should be studied and understood. The man who contemplates the subject in this light, will sit down to the examination of the successive constitutions and laws of a government, with a far higher aim than the gratification of an idle curiosity. By tracing them to their origin, and pursuing them through their various modifications, he will furnish himself with the best means of understanding the nature and practical tendency of existing institutions. Every government, therefore, should possess, and should place within the reach of the people, a complete history of its own legislation. Without the possession of such a history, and a practical regard to the lessons it inculcates, legislation will be, at best, but a succession of *experiments*, and, as a necessary consequence, every operation of government will be characterised with instability and want of wisdom.

The early institutions of a government are peculiarly liable to be lost sight of, in the progress of improvement. Superceded by new systems, they are supposed to have lost their value, and are permitted to pass into oblivion. This has been, in a peculiar sense, true of the original constitution and laws of Vermont. The circumstances under which the government was formed, were eminently calculated to give to its institutions an imperfect, unsettled character. At the expiration of seven years, the constitution was revised and altered; and at the end of the next septenary, was again revised, and adopted in the form which it still retains. In the year 1787, the whole system of laws was revised, and formed into a new code, and the statutes passed previous to that time—a few only excepted—were repealed. Thirty five years only, have elapsed, since that revision, and not a single entire copy of the laws passed previous to that time, is to be found. Even the office of the Secretary of State has not preserved the laws passed during the first year after the organization of the government.

Whether we regard the ancient constitution and statutes of the State as among the best sources of its early history, or consider them as the parent stock, from which the existing constitution and laws have sprung,—in either view, they assume an importance of no ordinary character. It is matter of astonishment that this importance should have been so long unheeded by the statesmen of Vermont, and that legislative provision for this object, should have been defered to so late a period.

Influenced by the considerations which have been suggested, the Legislature, at their session in October, 1821, made provision "for collecting and perpetuating the records relative to the assumption and establishment of government in this State, and such acts of the Legislature as were not in print."*

By the act making provision for this object it will be seen that the Honorable Daniel Chipman was appointed an agent for the purposes therein contemplated. He accordingly commenced the collection of materials for the proposed compilation; but in consequence of the interference of other duties, committed its further prosecution, to the present publisher, who has thus, unexpectedly, taken upon himself the labor and responsibility of compiling the work.

It will be seen by a reference to the act, in pursuance of which this publication was undertaken, that little more was originally contemplated, than to collect such records as should perpetuate a history of the Legislation of the State, down to the year 1787. In prosecuting the collection, however, and particularly, in the effort to recover that portion of the journal of the *Council of safety* which was unrecorded in any publick office, a great number of valuable historical papers were discovered, connected with a period, anterior to the formation of a regular government, and commencing previous to the existence of any kind of political organization in the State. On examining these papers, it was found that they were susceptible of an arrangement which would exhibit a connected view of the principal events which form the early history of Vermont.

They commence with the controversy between the Governors of New-York and New-Hampshire, relative to the jurisdiction of the territory which now constitutes the State of Vermont. This controversy was continued from the year 1749, to the year 1764; when, by an order of the King in Council, the question was decided in favor of New-York, and the claim of that province, to jurisdiction, as far east as Connecticut river, was confirmed. To this order the government of New-York gave a construction which involved the question of *title*, under the grants previously made by the government of New-Hampshire. It was contended that his Majesty's order had a *retrospective* operation, and that the New-Hampshire grants were thereby rendered void. Upon this ground, the settlers were called on to surrender their charters, and re-purchase their lands, under grants from the governor of New-York. This demand they resisted, and with this resistance commenced a controversy which was conducted with singular violence, and continued, with little interruption, during a period of twenty six years.

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* See the act above alluded to, page xiv.

Connected with this controversy was that which arose in the year 1778, between the States of Vermont and New-Hampshire; and with both these, were closely interwoven the interesting events resulting from the application of Vermont for admission into the union. All the papers, therefore, which the compiler could collect, throwing any light on either of these branches of the history of Vermont, have been preserved in this volume. The papers, thus collected, have been arranged in chronological order, and connected with each other by the occasional introduction of such facts, derived from other sources, and such reflections, suggested by the current of events, as might tend to render the whole an intelligible, unbroken history of the State, from the very dawn of its existence to the time when it was admitted as a member of the American confederacy. Taken in their connexion with each other, these documents exhibit, perhaps, a more just and complete view of events, *in their original character*, and *in all their relations*, than can be derived from any other source.*

There is a view however, in which many of them possess a much higher interest than when regarded as a mere record of *events*. They introduce us to an intimate acquaintance with the fathers of Vermont, and exhibit them in all the interesting peculiarities of their character.

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* The materials from which this part of the collection has been formed, have been derived, principally, from the following sources, viz :—

" A vindication of the opposition of the inhabitants of Vermont to the government of New-York, and of their right to form into an independent State"–written by Ethan Allen, and published under the sanction of the Governor and Council, in the year 1779–in which are found many of the most interesting documents relating to the controversy with New-York.

A work of a similar character, published by the same author in the year 1774—[The former of these has been found in the possession of the Hon. Stephen R. Bradley, and the latter in the possession of the Hon. David Fay.]

A series of historical papers preserved in the Rural Magazine, published by Dr. Williams, in the year 1795.

Williams' and Allen's histories of Vermont.

Journals of the Legislature of Vermont, and of the Congress of the United States :— and sundry papers found in the office of the Secretary of State.

The first settlers of the State consisted of a plain, industrious, hardy race of men, who emigrated to "the grants," not with the view of establishing an independent government, but to cultivate the soil, and procure a competency for themselves and their children. Whether they were to be under the government of New-Hampshire or New-York, was, to them, a matter of indifference, provided they were permitted to enjoy, unmolested, the hard earned fruits of their industry. With these views they invested their estates in lands, and proceeded in the cultivation and improvement of them, with a confident reliance on the security of titles derived from the crown. In this state of things, they were suddenly met by the claims of New-York, to their whole territory. Grants of their lands were made to citizens of that State–actions of ejectment were commenced–judgments obtained–writs of seizin issued, and the *posse comitatus* raised, to drive them from their possessions. To them, submission was ruin. Resistance, therefore,–determined resistance, was the only alternative.

It is easy to perceive that the controversy, thus commenced, was of a character, calculated to rouse to their highest effort, the moral and intellectual energies of our nature; and it is in this view, that many of the documents connected with it, assume an importance which they could not otherwise possess. In perusing them, we catch the *living expression* of the times. The actors in those eventful scenes which distinguish that period of our history, rise in full view before us, and we seem to converse, and become familiarly acquainted, with the Allens and Warners and Chittendens of ancient days. In the view here taken, nothing can supply the want of these original papers. Like the human countenance, in all its peculiarities of *expression*, they mock the highest effort at imitation or description.

The papers which form the first part of this collection have been selected, principally, with a reference to the relations of Vermont with other powers, and therefore exhibit but an incidental view of the internal organization of the State. To the latter object the remaining part of the collection is devoted; and commences with the journal of the Council of safety.

The history of the government of Vermont, previous to the adoption of the Constitution is involved in much obscurity. We frequently hear of Committees, and Councils, of safety, and curiosity prompts to an enquiry into their origin and the nature and scope of the powers with which they were invested. It should be remembered, however, that the very nature of the subject forbids the hope of arriving at any definite conclusions. The truth is, there was no regular government in the State. Every thing was unsettled; no social compact e[illegible]y bond of union, save that which resulted from common wants and common dangers; and every thing that bore the semblance of organization, was the premature offspring of urgent necessity. But one sentiment prevailed in relation to the claims of New-York. On the full exhibition of their extent, every man's arm was instantly nerved for resistance. To give effect to this resistance, town meetings were held—committees of safety were appointed—and general conventions of these committees were called, on important occasions.* Originating in the necessity of resistance to the claims of New-York, the proceedings of these conventions appear to have been confined to that object. Remonstrating with the Governor of that Province—addressing the people—passing decrees, forbiding the exercise of authority, and the acceptance of grants, under New-York† and ordering the application of the "*beach seal*" as a terror to evil doers, appear to have constituted the scope of their power.

On the 2d of July, 1777, the Convention that formed the Constitution, appointed a Council of safety, to act until the government should be organized;‡ and it is the journal of this Council which forms a part of this collection. This is the first Council of safety, of whose appointment or proceedings we have any distinct, satisfactory account. That such a body existed, previous to the time above mentioned, is certain; yet, with respect to the date of its original institution, the number of which it was composed, the method of electing its members, and the extent of the powers it exercised, we are left wholly to conjecture.

The journal of the Council of safety, which we have preserved, exhibits an interesting and curious example of the combination of legislative, judicial and executive power, in a single body of men. The government was, in principle, nothing short of absolute despotism; and it evinces no ordinary devotedness to the common cause, that a people, as tenacious of their rights as were the people of Vermont, should, for a moment, have submitted to the administration of such a government. It is worthy of remark, however, that the exercise of this dangerous power, as the journal of that Council plainly evinces, seldom exceeded the limits prescribed by a just regard to the publick safety.

The journal of the Council of safety closes the long period of misrule in Vermont, and introduces us to a new and important era. Under the Constitution, adopted in the year 1777, a government was organized, and commenced its operations, on the 13th of March, 1778. A history of its legislation, up to the year 1787, may be found in the journals and laws embraced in this collection. These laws have been *selected* from the mass of statutes passed within the period embraced in that department of the work. In making this selection, the first object of the compiler has been to retain those statutes, which form the basis of the most important part of our present code. Although these statutes may, by many, be regarded as interesting, only on account of their antiquity, the enlightened civilian will understand and appreciate their importance, not only as matter of history, but as furnishing, in many cases, an invaluable key to the just construction of existing laws.

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* See proceedings of these Conventions, pages 33, 38, 60.
† See page 36.—‡ See page 79.

Many statutes have been retained in this collection, merely as *historical papers*; and the value of all the ancient statutes is, in this respect, greatly enhanced by the preambles with which they are generally introduced. The few acts of a private nature which have been preserved, have been introduced into the collection, for the purpose of showing, more fully, the extent of the powers exercised by the Legislature, during the period to which they belong. All the acts relating to proprietors meetings, the regulation and establishment of town lines, and the levying of taxes, have been omitted. These acts, together with a number of others, omitted, are preserved in the appendix to the revised laws of 1797.

The compiler could not, consistently with a just regard to the interests of the State, close this work without attempting to rescue from oblivion the important and interesting proceedings of the first Council of Censors. After witnessing the flagrant violations of the Constitution, and, indeed, of all just principles of legislation, which appear in many acts of the Legislature, during the first septenary, it is peculiarly gratifying to be introduced to a body of men, so distinguished for correct, elevated views, sound wisdom, and dignified firmness, as were the members of that Council. Their address to the freemen is, in many points of view, the most important document to be found in this collection; and will never cease to be interesting to the people of Vermont, until they cease to be under a government of laws.

It has been thought proper to preserve in this collection, the Constitution as revised by the first Council of Censors, and proposed for the consideration of the people; and also to present a summary view of the amendments proposed by the second Council, in the year 1792,—thus preserving, in connection with the original Constitution, all the proposed amendments of that instrument, previous to its adoption, in the form in which it now exists.

The compiler owes it to himself to state, that the selection, arrangement, and preparation, of the materials which compose this work, have been made under circumstances of great embarrassment, arising from ill health, and the constant pressure of official duties,—an embarrassment which has been *felt*, in a degree proportionate to the severe labor, incessant care and high responsibility connected with the execution of such a work.

MIDDLEBURY, FEB. 13, 1823.

RECORDS AND DOCUMENTS, &c.

THE first Settlement, within the Territory, now known by the name of Vermont, was made at Fort Dummer, (in the present County of Windham,) in the year 1724, under a grant from the Provincial Government of Massachusetts. Previous to this grant, a controversy had existed between the Provinces of Massachusetts and New-Hampshire, relative to their line of Jurisdiction. This controversy continued until the year 1740, when the King in Council decided; "that the northern boundary of the Province of Massachusetts be a similar curve line, pursuing the course of Merrimack river, at three miles distance, on the north side thereof, beginning at the Atlantic Ocean, and ending at a point due north of Patucket falls; and a straight line drawn from thence, due west, till it meets with his Majesty's other Governments."

This determination established the line which now separates the jurisdiction of Massachusetts and Vermont, and brought within the jurisdiction of N. Hampshire, the Settlements which had been made at Fort Dummer.

In the year 1741, Benning Wentworth was commissioned as Governor of N. Hampshire. By the Settlement of the boundary between N. Hampshire and Massachusetts, as well as by other Acts of the British Government, it was understood that the Jurisdiction of the former Province was established as far west as Massachusetts had claimed and exercised; that is, to a line twenty miles east of Hudson's river. Accordingly, on the 3d of January 1749, the Governor of N. Hampshire, "made a grant of a Township, six miles square, situated twenty miles east of Hudson's river; which, in allusion to his own name, was called Bennington."*

Numerous applications being made for grants of lands in the vicinity of the Province of N. York, Governor Wentworth, with a view of ascertaining and settling the western line of his Jurisdiction, opened the following correspondence with the Governor of that Province.

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* Williams history.

Letter from the Governor of New-Hampshire to the Governor of New-York.

PORTSMOUTH, Nov. 17, 1749.

SIR,

I have it in command from his Majesty, to make grants of the unimproved lands within my government, to such of the inhabitants and others as shall apply for grants for the same, as will oblige themselves to settle and improve, agreeable to his Majesty's instructions.

The war hitherto has prevented me from making so great a progress as I hoped for, on my first appointment; but as there is a prospect of a lasting peace with the Indians, in which your Excellency has had a great share, people are daily applying for grants of land in all quarters of this government, and particularly some for townships to be laid out in the western part thereof, which will fall in the neighbourhood of your government. I think it my duty to apprise you thereof, and to transmit to your Excellency the description of New-Hampshire, as the king has determined it in the words of my commission, which, after you have considered, I shall be glad you will be pleased to give me your sentiments in what manner it will affect the grants made by you or preceding governors; it being my intention to avoid, as much as I can, consistent with his Majesty's instructions, interfering with your government.

In consequence of his Majesty's determination of the boundaries between New-Hampshire and Massachusetts, a surveyor and proper chainmen were appointed to run the western line from three miles north of Patucket Falls; and the surveyor, upon oath, has declared, that it strikes Hudson's River, about eighty poles north of where Mohawk's River comes into Hudson's River, which I presume is north of the City of Albany; for which reason it will be necessary for me to be informed, how far north of Albany the government of New-York extends by his Majesty's commission to your Excellency, and how many miles to the eastward of Hudson's River, to the northward of the Massachusetts line, that I may govern myself accordingly. And if, in the execution of the king's commands with respect to the lands, I can oblige any of your Excellency's friends, I am always at your service.——I am, with the greatest respect, Sir, your Excellency's most obedient humble servant,

B. WENTWORTH.

Minutes of the Council of New-York.

COUNCIL-CHAMBER, CITY OF NEW-YORK, APRIL 3D, 1750.

HIS Excellency communicated to the board a letter from the Hon. Benning Wentworth, Esq. governor of New-Hampshire, dated the 17th November last, acquainting his Excellency, that he has it in command from his Majesty, to make grants of the unimproved lands in New-Hampshire government, and therefore desiring information, how far north of Albany this province extends, and how many miles to the eastward of Hudson's River, to the northward of the Massachusetts line, that he may govern himself accordingly. Also an extract of his Majesty's letters patent to governor Wentworth, respecting the boundaries of New-Hampshire. And his Excellency having required the advice of the board thereupon, the council humbly advised his Excellency to acquaint governor Wentworth, in answer to his said letter, that this province is bounded eastward by Connecticut River; the letters-patent from King Charles II. to the Duke of York, expressly granting, 'all the lands from the west side of Connecticut River to the east side of Delaware Bay.'

N. B. The above resolve was communicated to governor Wentworth, in a letter, dated April 9th, 1750, by G. Clinton, governor of New-York.

Letter from Governor Wentworth.

PORTSMOUTH, APRIL 25, 1750.

SIR,

I have the honour of your Excellency's letter of the 9th instant before me, in which you are pleased to give me the opinion of his Majesty's council of your government, that Connecticut River is the eastern boundary of New-York government, which would have been entirely satisfactory to me on the subject of my letter, had not the two charter-governments of Connecticut and the Massachusetts-Bay extended their bounds many miles to the westward of said river; and it being the opinion of his Majesty's council of this government, whose advice I am to take on these occasions, that New-Hampshire had an equal right to claim the same extent of western boundaries with those charter-governments, I had, in consequence of their advice, before your letter came to my hands, granted one township due north of the Massachusetts line, of the contents of six miles square, and by measurement twenty-four miles east of the City of Albany; presuming that this government was bounded by the same north and south line with Connecticut and the Massachusetts-Bay, before it met with his Majesty's other governments. Although I am prohibited by his Majesty's commission to interfere with his other governments, yet it is presumed that I should strictly adhere to the limits prescribed therein; and I assure you, that I am very far from desiring to make the least encroachment, or set on foot any dispute on these points. It will therefore give me great satisfaction, if, at your leisure, you can inform me, by what authority Connecticut and the Massachusetts governments claimed so far to the westward as they have settled; and in the mean time I shall desist from making any further grants on the western frontier of my government, that may have the least probability of interfering with your government.——I am, with great respect, Sir, your Excellency's most obedient humble servant,

B. WENTWORTH.

Letter from Governor Clinton.

JUNE, 6TH, 1750.

SIR,

I have received your letter of the 25th April last, in answer to mine of the 9th of the same month, respecting the eastern boundary of this province, wherein you desire to be informed by what authority Connecticut and the Massachusetts governments claim so far to the westward as they have settled.

As to Connecticut, their claim is founded upon an agreement with this government, in or about the year 1684, afterwards confirmed by King William, in consequence of which the lines between the two governments were run, and the boundaries marked in the year 1725, as appears by the commissioners and surveyors proceedings, of record here. But it is presumed the Massachusetts government, at first, possessed themselves of those lands by intrusion, and through the negligence of this government have hitherto continued their possession, the lands not being private property.

From the information I have, there is reason to apprehend that the lands within the township you have lately granted, or part of them, have been granted here: And as my answer to your letter might probably have furnished you with objections against any grant which might interfere with this province, I am surprised you did not wait till it came to hand, before you proceeded therein. If it is still in your power to recal the grant, your doing so will be but a piece of justice to this government; otherwise I shall think myself obliged to send a representation of the matter to be laid before his Majesty.——I am, &c.

Letter from Governor Wentworth.

PORTSMOUTH, JUNE 22D. 1750.

SIR,

As soon as your letter of the 6th inst. came to my hands, I thought it proper to have the sense of his Majesty's council thereon, who were unanimously of the opinion, not to commence a dispute with your Excellency's government respecting the extent of the western boundary to New-Hampshire, until his Majesty's pleasure should be further known; accordingly the council have advised, that I shall, on the part of New-Hampshire, make a representation of the matter to his Majesty, relying that your Excellency will do the same on the part of New-York; and that whatever shall be determined thereon, this government will esteem it their duty to acquiesce in, without any farther dispute, which I am hoping will be satisfactory on that point.

When I first wrote you on this subject, I thought I had given sufficient time to receive an answer to my letter, before I had fixed the day for passing the grant referred to in your letter; and as the persons concerned therein lived at a great distance, it was inconvenient for them to be delayed beyond the appointed time: I was not apprehensive any difficulty could arise by confining myself to the western boundaries of the two charter-governments; accordingly I passed the patent about ten days before your favour of the 9th of April, 1750, came to hand. There is no possibility of vacating the grant, as you desire; but if it falls by his Majesty's determination in the government of New-York, it will be void of course. I shall be glad the method I have proposed may be agreeable to your province; and if submitting the affair to his Majesty meets with your approbation, I shall, upon receiving an answer, lose no time in transmitting what concerns this province to the proper offices.——I am, with the greatest respect, Sir, your Excellency's most obedient humble servant,

B. WENTWORTH.

Letter from Governor Clinton.

NEW-YORK, JULY 25TH, 1750.

SIR,

I have taken the sense of his Majesty's council on your Excellency's letter of the 22d ult. respecting the extent of the western boundary of your government, who think it highly expedient I should lay before his Majesty a representation of the matter on the part of this province; and as you propose to do the like on the part of New-Hampshire, they are of opinion it will be for the mutual advantage of both governments, if we exchange copies of each others representation on this head. If you approve of this, I will send you a copy of mine accordingly.——I am, &c.

Notwithstanding the interfering claim of the province of New-York, governor Wentworth proceeded to make further grants, west of Connecticut River; as will appear by the following list of grants made up to the year 1764, inclusive, viz:*

Names of Townships.	*Date of the Grants.*
Bennington, - - - - - -	Jan. 3, 1749
Halifax, - - - - - - - -	May 11, 1750
Marlborough, now New-Marlborough,	April 19, 1751 †April 17, 1764
Draper, formerly Wilmington, -	April 29, 1751 †June 17, 1763
Westminster, - - - - - -	Nov. 9, 1752
Rockingham, - - - - - - -	Dec. 28, 1752
Woodford, - - - - - - - -	Mar. 6, 1753
New Stampford, formerly Stampford, -	Mar. 6, 1753
Townsend, - - - - - - -	June 20, 1753
Hinsdale, - - - - - - -	Sept. 5, 1753
Brattleborough, - - - - -	Dec. 26, 1753
Fulham, - - - - - - - -	Dec. 26, 1753
Putney, - - - - - - - -	Dec. 26, 1753
Hampstead, *alias* Chester, -	Feb. 22, 1754 †Nov. 3, 1761
Guilford, - - - - - - -	April 2, 1764
Thomlinson, - - - - - -	April 6, 1754 †Sept. 1, 1763
Pownall, - - - - - - - -	Jan. 8, 1760
Hartford, - - - - - - - -	July 4, 1761

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* This list is here given, as found in the Rural Magazine for 1795, published by Dr. Williams.——† Re-granted.

Names of Townships.	*Date of the Grants.*
Norwich,	July 4, 1761
Saltash,	July 6, 1761
Reading,	July 6, 1761
Windsor,	July 6, 1761
Killington,	July 7, 1761
Pomfret,	July 8, 1761
Hertford,	July 10, 1761
Woodstock,	July 10, 1761
Bridgewater,	July 10, 1761
Bernard,	July 17, 1761
Stockbridge,	July 21, 1761
Arlington,	July 28, 1761
Sunderland,	July 29, 1761
Manchester,	Aug. 11, 1761
Sandgate,	Aug. 11, 1761
Thetford,	Aug. 12, 1761
Strafford,	Aug. 12, 1761
Sharon,	Aug. 17, 1761
Springfield,	Aug. 20, 1761
Weathersfield,	Aug. 20, 1761
Dorset,	Aug. 20, 1761
Rupert,	Aug. 20, 1761
Shaftsbury,	Aug. 20, 1761
Glassenburg,	Aug. 20, 1761
Pawlet,	Aug. 26, 1761
Danby,	Aug. 27, 1761
Harwicke,	Aug. 28, 1761
Tunbridge,	Sept. 3, 1761
Shrewsbury,	Sept. 4, 1761
Clarendon,	Sept. 5, 1761
Rutland,	Sept. 7, 1761
Fairley,	Sept. 9, 1761
Tinmouth,	Sept. 15, 1761
Winhall,	Sept. 15, 1761
Wells,	Sept. 15, 1761
Ludlow,	Sept. 16, 1761
Poultney.	Sept. 21, 1761
Castleton,	Sept. 22, 1761
Shoreham,	Oct. 8, 1761
Bredport,	Oct. 9, 1761
Guildhall,	Oct. 10, 1761
Granby,	Oct. 10, 1761
Cavendish,	Oct. 12, 1761
Maidstone,	Oct. 12, 1761
Ferdinand,	Oct. 13, 1761
Brunswick,	Oct. 13, 1761
Winlock,	Oct. 13, 1761

Names of Townships.	*Date of the Grants.*
Bromley,	Oct. 13, 1761
Andover,	Oct. 13, 1761
Addison,	Oct. 14, 1761
Cornwall,	Oct. 14, 1761
Leicester,	Oct. 20, 1761
Middleborough,	Nov. 2, 1761
New-Haven,	Nov. 2, 1761
Salisbury,	Nov. 3, 1761
Weybridge,	Nov. 3, 1761
Fane, now New-Fane,	Nov. 3, 1761
Wallingford,	Nov. 27, 1761
Hindsborough,	June 21, 1762
Ferisbourg,	June 24, 1762
Monckton,	June 24, 1762
Charlotte,	June 24, 1762
Pocock,	June 26, 1762
Minehead,	June 29, 1762
Lewis,	June 29, 1762
Lemington,	June 29, 1762
Averill,	June 29, 1762
Neshobe,	Oct. 20, 1762
Newbury,	May 18, 1763
Colchester,	June 7, 1763
*	June 7, 1763
Bolton,	June 7, 1763
Waterbury,	June 7, 1763
Burlington,	June 7, 1763
Williston,	June 7, 1763
New Huntington,	June 7, 1763
Duxbury,	June 7, 1763
Moreton,	June 7, 1763
Berlin,	June 7, 1763
Jericho,	June 8, 1763
Middlesex,	June 8, 1763
Milton,	June 8, 1763
Westford,	June 8, 1763
Underhill,	June 8, 1763
Mansfield,	June 8, 1763
Stow,	June 8, 1763
Worster,	June 8, 1763
Topsham,	June 17, 1763
Lunenburgh,	July 5, 1763
Sudbury,	Aug. 6, 1763
Whiting,	Aug. 6, 1763
Orwell,	Aug. 8, 1763
St. Albans,	Aug. 17, 1763

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* Obliterated in copy.

Names of Townships.	*Date of the Grants.*
Swanton,	Aug. 17, 1763
Highgate,	Aug. 17, 1763
Georgia,	Aug. 17, 1763
Fairfax,	Aug. 18, 1763
Fairfield,	Aug. 18, 1763
Smithfield,	Aug. 18, 1763
Hungerford,	Aug. 18, 1763
St. George,	Aug. 18, 1763
Shelburne,	Aug. 18, 1763
Ryegate,	Sept. 8, 1763
Barnet,	Sept. 16, 1763
Peacham,	Dec. 31, 1763
Corinth,	Feb. 4, 1764
Dunbar,	June 15, 1764
Hubberton,	June 15, 1764
Pittsford,	June 15, 1764
Panton,	Nov. 3, 1764
Lintfield,	Aug. 4, 1763

Grants to the following officers, agreeable to his Majesty's proclamation of the 7th October, 1763.

Capt. Rob. Rogers,	3000 Acres.	July 4, 1764
Lieut. Jas. Tate,	2000	July 4, 1764
Lieut. P. Brown,	2000	July 4, 1764
Lieut. Step. Holland,	2000	July 4, 1764
Lieut. And. Philips,	2000	Aug. 11, 1764
Capt. Nath. Whiting,	3000	

To arrest the proceedings of New-Hampshire, Mr. Colden, Lieutenant Governor of New-York, on the 28th of December, 1763, issued a Proclamation, "commanding the Sheriff of the County of Albany to make a return of the names of all persons who had taken possession of lands under New-Hampshire grants, and claiming jurisdiction as far east as Connecticut River,"* by virtue of a grant to the Duke of York, of which the following is an extract.

"CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all to whom these presents shall come, Greeting: Know ye, that we, for divers good causes and considerations, have, of our especial grace, certain knowledge and mere motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto our dearest brother, James, Duke of York, his heirs and assigns, all that part of the main land of New-England, beginning at a certain place, called or known by the name of *St. Croix*, next adjoining to *New-Scotland*, in *America*; and from thence extending along the sea coast, unto a certain place called

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* Williams' history.

Petuaguine or Pemaquid, and so up the river thereof to the furtherest head of the same, as it tendeth northwards; and extending from the river of Kinebeque, and so upwards, by the shortest course of the river Canada, northwards: And all that island or islands, commonly called by the several name or names of Matowacks or *Long-Island*, situate, and being towards the west of *Cape Cod*, and the *Narrow Highgansetts*, abutting upon the main land, between the two rivers there, called or known by the several names of *Connecticut and Hudson's River*, together also with the said river called *Hudson's*, and all the lands from the west side of *Connecticut* river, to the east side of *Delaware* Bay: and also, all those several islands, called or known by the names of *Martin's Vineyard*, and *Nantuckes*, otherways *Nantucket*; together with all, &c. Dated the twenty ninth day of June, in the twenty sixth year of the reign of King Charles the Second."

To inspire confidence in the validity of the New-Hampshire grants, and encourage settlements under them, the Governor of New-Hampshire issued the following Proclamation:

By His Excellency,
BENNING WENTWORTH, Esq.
Captain-General, Governor and Commander in Chief of His Majesty's Province of *New-Hampshire*, in *New-England*, &c.

A PROCLAMATION.

WHEREAS his Honor, Cadwallader Colden, *Esq. Lieutenant Governor and Commander in Chief of his Majesty's Province of* New-York, *hath lately issued a Proclamation, of a very extraordinary nature, setting forth, that King* Charles *the Second, on the 12th day of March,* 1663-4, *and the 29th June,* 1674, *did, by his several letters patent, of those dates, grant, in Fee, to his brother, the Duke of York, among other things, all the land from the west side of* Connecticut *River to the east side of Delaware Bay; and therein also set forth, and describes the bounds of* New-Hampsire; *in which description there is a very material mistake; besides, there is omitted the fact, on which the description of* New-Hampshire *depended, viz. His Majesty's determination of the north and western boundaries of the Province of the* Massachusetts Bay, *in* 1739. *And nothing can be more evident, than that* New-Hampshire *may legally extend her western boundary as far as the* Massachusetts *claim reaches; and she claims no more; but* New-York *pretend to claim even to the banks of* Connecticut *River, although she never laid out and settled one town in that part of his Majesty's lands, since she existed as a government.*

When New-York *government extends her eastern boundary, to the banks of* Connecticut *River, between* New-York *and the Colony of* Connecticut; *and to the banks of said river, between* New-York *and the Province of the* Massachusetts-Bay, *it would have been full early for* New-York *to declare that the government of* New-Hampshire *was fully apprised of the right of* New-York, *under the before recited letters patent to the Duke of* York. *In virtue of the final determination of the* *boundary lines settled by his late Majesty, between this government and the* Massachusetts Bay, *all the lands capable of settlements, have been erected into townships, agreeable to his Majesty's commands, and a considerable revenue is daily arising to the crown, unless interrupted and impaired by his Honor's Proclamation, which* New-Hampshire *will not be answerable for.*

At present, the boundaries of New-York, *to the northward, are unknown; and as soon as it shall be his Majesty's pleasure to determine them,* New-Hampshire *will pay ready and cheerful obedience thereunto, not doubting but that all grants made by* New-Hampshire, *that are fulfilled by the grantees, will be confirmed to them, if it should be his Majesty's pleasure to alter the jurisdiction.*

For political reasons, the claims to jurisdiction by New-York, *might have been deferred, as well as the strict injunction on the civil power, to exercise jurisdiction in their respective functions, as far as the eastern banks of* Connecticut *River.*

The said Proclamation, carrying an air of government in it, may possibly affect and retard the settlement of his Majesty's lands, granted by this government. For preventing an injury to the crown, of this kind, and to remove all doubts that may arise to persons holding the king's grants, they may be assured, that the patent to the Duke of York is obsolete, and cannot convey any certain boundary to New-York, *that can be claimed as a boundary, as plainly appears by the several boundary lines of the* Jersies *on the west, and the Colony of* Connecticut *on the east, which are set forth in the Proclamation, as part, only, of the land included in the said patent to the Duke of* York.

To the end therefore, that the grantees now settled and settling on those lands, under his late and present Majesty's charters, may not be intimidated, or any way hindered or obstructed in the improvement of the lands so granted, as well as to ascertain the right, and maintain the jurisdiction of his Majesty's government of New-Hampshire, *as far westward as to include the grants made:*

I have thought fit, by and with the advice of his Majesty's council, to issue this Proclamation, hereby encouraging the several grantees, claiming under this government, to be industrious in clearing and cultivating their lands, agreeable to their respective grants.

And I do hereby require and command all civil officers, within this Province, of what quality soever, as well those that are not, as those that are inhabitants on the said lands, to continue and be diligent in exercising jurisdiction in their respective offices, as far westward as grants of land have been made by this government; and to deal with any person or persons, that may presume to interrupt the inhabitants or settlers on said lands, as to law and justice do appertain; the pretended right of jurisdiction mentioned in the aforesaid Proclamation, notwithstanding.

Given at the Council-Chamber, in Portsmouth, *the 13th day of March,* 1764, *and in the fourth year of his Majesty's Reign.*

B. WENTWORTH.

By his Excellency's command, with advice of Council,
T. Atkinson, jun. *Secretatary.*

GOD save the KING.

Hitherto, New-York had founded her claim to the lands in question, on the grant to the Duke of York. Not choosing, however, longer to rely on so precarious a tenure, application was made to the crown for a confirmation of the claim. This application was supported by a petition, *purporting* to be signed by a great number of the settlers on the New-Hampshire grants, representing that it would be for their advantage to be annexed to the Colony of New-York, and praying that the western bank of Connecticut river might be established as the eastern boundary of that Province. Accordingly, on the 20th of July, 1764, the following order was made by the King in Council, viz:

At the Court at St. James's, the 20th day of July, 1764.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

Lord Howard,	*Earl of Hillsborough,*
Earl of Sandwich,	*Wm. Vice Chamberlain,*
Earl of Halifax,	*Gilbert Elliot, Esq.*
Earl of Powis,	*James Oswald, Esq.*
Earl of Harcourt,	

WHEREAS there was, this day, read at the board, a report made by the Right Honorable the Lords of the Committee of Council for plantation affairs, dated the 17th of this instant, upon considering a representation from the Lords Commissioners for trade and plantations, relative to the disputes that have, some years, subsisted between the Provinces of New Hampshire and New-York, concerning the boundary line between those Provinces:—His Majesty, taking the same into consideration, was pleased, with the advice of his privy council, to approve of what is therein proposed, and doth accordingly, hereby order and declare the western banks of the river Connecticut, from where it enters the Province of the Massachusetts Bay, as far north as the forty fifth degree of northern latitude, *to be* the boundary line between the said two Provinces of New-Hampshire and New-York. Wherefore, the respective Governors and Commanders in Chief of his Majesty's said Provinces of New-Hampsire and New York, for the time being, and all others whom it may concern, are to take notice of his Majesty's pleasure, hereby signified, and govern themselves accordingly.

W. BLAIR.

Surprised as were the people on the New-Hampshire grants, at this order, it produced in them no serious alarm. They regarded it as merely extending the *jurisdiction* of New-York, *in future* over their territory. To this jurisdiction they were willing to submit. They had no apprehension that it could, in any way, affect the *title* to their lands. Having purchased, and paid for those lands, under grants from the crown, they did not understand by what perversion of justice, they could be compelled, by the same authority, to re-purchase, or abandon them. The Governor of New-Hampshire, indeed, remonstrated against this change of jurisdiction, but was, at length, induced to abandon the contest; and issued a Proclamation, "recommending to the proprietors and settlers due obedience to the authority and laws of the Colony of New-York."[*]

The government of New-York gave a construction to his Majesty's order, widely different from that of the people on the New-Hampshire grants. It was contended that the order had a *retrospective* operation, and decided, not only what should, *thereafter*, be, but what had always been, the eastern boundary of New-York; and that, consequently, the grants made by the Governor of New-Hampshire were void.

In this state of things, the Government of New-York proceeded to extend its jurisdiction over the New-Hampshire grants; "dividing the territory into four Counties, and establishing Courts of Justice in each."[†] The settlers were called on to surrender their charters, and re-purchase their lands under grants from New-York. Most of them peremptorily refused to comply with this order. New grants of their lands were, therefore, made to others; in whose names, actions of ejectment were commenced, and judgments obtained, in the Courts at Albany.

The attempts to execute these judgments, by dispossessing the settlers, met with a determined and obstinate resistance. For the purpose of rendering this resistance more effectual, various associations were formed; and at length, a convention of Representatives from the several towns on the west side of the mountain was called. This convention, after mature deliberation, appointed Samuel Robinson, of Bennington, an Agent, to represent to the Court of Great Britain the grievances of the settlers, and obtain, if practicable, a confirmation of the New-Hampshire grants.[‡] Mr. Robinson proceeded to London, and laid the subject before his Majesty. The following document will show the result of his mission.

At a Court at St. James's, the 24th day of July, 1767.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY.

Archbishop of Canterbury,
Lord Chancellor,
Duke of Queensbury,
Duke of Ancester,
Lord Chamberlain,
Earl of Litchfield,
Earl of Bristol,
Earl of Shelburne,
Viscount Falmouth,
Viscount Barrington,
Viscount Clarke,
Bishop of London,
Mr. Secretary Conway,
Hans Stanley, Esq.

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[*] Allen's history of Vt.——[†] Williams history.——[‡] Allen's history.

His Majesty taking the said report [a report of the board of trade] into consideration, was pleased, with the advice of his private council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or Commander in Chief of his Majesty's Province of *New-York*, for the time being, do not, upon pain of his Majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his Majesty's further pleasure shall be known, concerning the same.

A True Copy,
WILLIAM SHARPE,
Attest, GEO. BANYAR, Dep. Se'cry.

Notwithstanding this explicit prohibition, the Governor of New-York continued to make grants, and writs of ejectment continued to be issued, returnable to the Supreme Court at Albany. On trial of these actions, it was decided that duly authenticated copies of the royal orders to the Governor of New-Hampshire, and of the grants made in pursuance of those orders, should not be read in evidence.* Thus, compelled to abandon a legal defence, the settlers were driven to the *last* resort. A convention of the people assembled at Bennington, and "Resolved, to support their rights and property under the New-Hampshire grants, against the usurpation and unjust claims of the Governor and Council of New-York, *by force*, as law and justice were denied them."||

A spirited and determined resistance to the civil officers from New-York, followed the adoption of this resolution. Several of the inhabitants were indicted as rioters. The officers sent to apprehend them, "were seized by the people, and severely chastised with *twigs* of the *wilderness*." "A military association was formed, of which Ethan Allen was appointed Colonel Commandant, and Seth Warner, Remember Baker, Robert Cockran, Gideon Warner and some others were appointed Captains. Committees of safety were, likewise, appointed in several towns west of the Green Mountains."||

On the other hand, the Sheriff of Albany County was directed to raise the *posse commitatus* to assist in the execution of his office; and a "Proclamation was issued by the Governor of New-York, offering a reward of one hundred and fifty pounds for the apprehension of Ethan Allen, and fifty pounds each for Warner and five others. Allen and the other prescribed persons, in their turn, issued a Proclamation, offering five pounds for the apprehending, and delivering to any officer of the green mountain boys, the Attorney General of the Colony of New-York."||

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* Allen's history.—|| Allen's history.

In this state of the controversy, the Governor of New-York made the following communication to the Rev. Wm. Dewey and others.

New-York, May 19th, 1772.

ON HIS MAJESTY'S SERVICE,

To the Rev. Mr. Dewey, *and the inhabitants of* Bennington, *and the adjacent country, on the east side of* Hudson's River.

Gentlemen,

The many violent and illegal acts you have lately committed against the peace and good order of this Province, of which I have had frequent proofs and informations, at the same time that they are not only a reproach to yourselves, but dangerous and injurious to your families and interests, cannot fail of being highly offensive to your Sovereign. You may depend, a perseverance in your disobedience to, and violations of, the Laws of your country, must soon draw forth against you the exertions of the Powers of Government. However, being sincerely desirous on my part, to avoid compulsive measures, while lenient methods may prove successful; I esteem it my duty to invite you to lay before this government the causes of your illegal proceedings; and it is with the concurrence and advice of his Majesty's Council, that I send you this invitation, who, with me, are disposed to examine into the grounds of your behaviour and discontent, with deliberation and candor, and as far as in us lies, to give such relief as the nature of your situation and circumstances will justify. That there may be no obstruction to your laying before me in council, as soon as possible, a fair representation of your conduct, I do hereby engage full security and protection to any persons whom you shall choose to send on this business to *New-York*, from the time they leave their homes to the time of their return, except *Robert Cockran*, as also *Allen*, *Baker* and *Sevil*, mentioned in my Proclamation of the 9th of December last, and *Seth Warner*, whose audacious behaviour to a Civil Magistrate, has subjected him to the penalties of the laws of his country. I am told Mr. *William Dewey*, a Minister of the Gospel, *James Breakenridge*, and Mr. *Fay*, are persons in whose judgment you have much confidence; I should, therefore, think they would be your proper messengers on a business, in which you are so deeply concerned; especially Mr. *Dewey*, who has been favourably represented here since my appointment to this Government. His Majesty's Secretary of State has signified to me, that the King has finally fixed *Connecticut* River to be the established jurisdiction between the Government of *New-York* and *New Hampshire.*

This circumstance I mention that you may not be misled or deceived by a persuasion, that that part of the country you inhabit, will ever be annexed to the Government of *New-Hampshire*. I have this farther motive for mentioning the King's final decision, that, by your receiving this authority, of your being in the government of *New-York*, I am hopeful your future conduct will justify me, in assuring his Majesty of your dutiful obedience to his royal determination. I flatter myself you will cheerfully improve this final offer of reconciling yourselves to this Government. I am your friend, W. TRYON.

To the foregoing letter the following answer was returned.

BENNINGTON, JUNE 5TH, 1772.

TO HIS EXCELLENCY,
WILLIAM TRYON, ESQUIRE, &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, his Majesty's liege and loyal subjects of the Province of *New York,* having received your particular favour of the 19th day of May last, requesting the inhabitants of *Bennington,* and the adjacent country on the east side of *Hudson's* River, to lay before your Excellency and Council, the cause of our discontent and behaviour, do now express our satisfaction in having this very opportunity to acquaint your Excellency,

"First, That we hold the fee and property of the lands we are settled on, and in possession of, by virtue of grants from their Majesties GEORGE the Second and Third, &c. which lands, at the time of thus being granted, was reputed to be within the jurisdiction of the Province of *New-Hampshire,* until the year 1764, when some of your Excellency's now subjects had, by some measures, obtained his Majesty's pleasure for alteration of jurisdiction line between the Provinces of *New-Hampshire* and *New York.* Since this, sundry grants have been made by those in the administration of government, in the said Province of *New-York,* on the very land before granted by their Majesties to us, as though the fee of the land and property was altered with jurisdiction, which, we suppose, was not. The measures taken to dispossess us of those lands, by repeated writs of ejectments, suits at Law, rejectment of proof from authentic records, refusing a suitable time and opportunity for collection of evidence to support and vindicate our cause, contrary, (as we suppose) to the usual customs of the Law of the Province, seem to be the grounds of our discontent; and that illegal and unconstitutional method of proceeding in indicting sundry persons, who are bound by the Law of self and family preservation to maintain their liberty and properties—the usage of those intreaguers that would monopolize our interests to themselves by such irregular steps.

Their methods of breaking, by violence, houses for possession, and to obtain those whom they are pleased to denominate riotous, tumultuous and disorderly; their firing on those people, and wounding innocent women and children, to compass their designs, may have occasioned some very disagreeable and unhappy disturbances among the friends of Mr. *Remember Baker,* residing on the *New-Hampshire* grants, which, we suppose, your Excellency has been pleased to mention illegal. The foregoing is an exact account of our hitherto ideas of the state of the present case; and on this footing we must closely adhere to the maintaining our property, with a due submission to your Excellency's jurisdiction; and, if we should, through ignorance or inadvertency, have hitherto misunderstood either your Excellency, or the occasion of your Excellency's request, we beg the favour to be undeceived. The persons chosen to present these lines, we hope, may give your Excellency some further satisfaction.

We flatter ourselves, from the candor of your Excellency's favourable letter, that you will be friendly disposed toward us; and we most earnestly pray and beseech your Excellency would assist to quiet us in our possessions, till his Majesty, in his royal wisdom, shall be graciously pleased to settle the controversy. Should your Excellency grant this our humble request, our satisfaction would be inexpressible.

Therefore, confidently trusting in your Excellency's wisdom and clemency, as Members of your Province, as loyal and submissive subjects to his Majesty, we beg leave to subscribe ourselves your Excellency's faithful, obedient, and very humble servants.

Signed by Mr. DEWEY and others.

In addition to the foregoing letter, the following *special* communication was, at the same time, made to the Governor of New-York.

BENNINGTON, JUNE 5TH, 1774.

TO HIS EXCELLENCY,
WILLIAM TRYON, ESQUIRE, &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, his Majesty's loyal subjects, whose names are to this piece affixed, inhabitants on that tract of land, your Excellency describes by the name of *Bennington*, and the adjacent country, &c. and who was, by your Excellency's letter of the 19th of May last, prohibited the privilege of going to *New-York*, and personally vindicate either ourselves or country, before your Excellency, and being put to the extremity of informing your Excellency by writing, the reason of our discontent, and also of our behaviour, which we shall more largely set forth, than is in the foregoing general answer to your Excellency's letter; and also exhibit more arguments deduced from reason and the nature of things; we hope your Excellency will be graciously pleased to view this our defence with that tenderness and candor, a gentleman in so elevated a station should do, and, therefore, beg leave to observe, that as, on the one hand, no consideration whatever, shall induce us to remit, in the least, of our loyalty and gratitude to our most gracious Sovereign, nor of a reasonable submission to your Excellency; so on the other hand, no tyrannical exertions of the powers of the government, can deter us from asserting and vindicating our undoubted rights and privileges as Englishmen. We expected an answer from your Excellency, to our humble petition to you delivered, soon after your Excellency's accession to the administration of the government; but for reasons to us unknown, your Excellency passed it by in silence. However, we cheerfully embrace this opportunity of laying before your Excellency in Council, the true state of our controversy, which, we can no otherwise do, but by absorbing our personal distinction into the community, and general cause, to which we have obtained the character of faithful. We assure your Excellency that we assent to your authority of jurisdiction, in as much as his Majesty's Proclamation assures us, it is his will and pleasure, we be under the jurisdiction of *New-York*; and not only now assent to it, but have ever done the same, except in instances where such perverse use has been made thereof, as would dispossess us of our property and country. We are truly desirous, and petitioning his Majesty to re-annex us to the Province of *New-Hampshire*. But this is not the ground of our discontent, or at least, is far from being the principle ground of it, though it was done *ex parte*, and we apprehend there were more or less wrong representations made to his Majesty, to obtain the jurisdiction. However, it is the unreasonable and unconstitutional exercise of it, that is the present bone of contention—our properties are all at stake; this we contend for, as the following known facts will demonstrate. A certain number of designing men in *New-York* (and elsewhere) procured patents under the great seal of that Province, and those grantees, being non-residents, brought sundry writs of ejectment against the *New-Hampshire* settlers on the same land, covered by both patents, as aforesaid, and obtained judgment against them, and proceeded further and took out writs of possession, and actually dispossessed several of them by order of Law, of their houses and farms, leaving them to suffer the inclemency of the weather, bereaved of all the necessaries of life, their new masters having monopolized their earthly ALL, to themselves. These indigent families having, in the first place, expended their several fortunes, in bringing their farms out of a wilderness state, into that of fruitful fields, gardens and orchards; the whole country, consisting of more than fifteen hundred families, was greatly alarmed at the event which had already began to take place, was in the greatest consternation; each individual, from these instances, reading their own intolerable and universal destruction.—Still the writs of ejectment came thicker and faster, and universal slavery, poverty and horror, emblematically appeared in every countenance.

Thus, things having come to this pass, the oppression was too great for human nature, under English Constitution, to grope under, for those unparrallelled instances struck an infinitely more terrible idea, than that of the exertion of the Powers of Government.

Laws and society compacts were made to protect and secure the subjects, in their peaceable possessions and properties, and not to subvert them. No person or community of persons can be supposed to be under any particular compact or Law, except it pre-supposeth, that that Law will protect such person or community of persons in his or their properties; for otherways, the subject would, by Law, be bound to be accessary to his own ruin and destruction, which is inconsistant with the Law of self preservation; but this Law being natural as well as eternal, can never be abrogated by the Law of men.

We would acquaint your Excellency, that since our misfortune of being annexed to the Province of *New-York*, Law has been rather used as a tool (than a rule of equity) to cheat us out of the country, we have made vastly valuable by labour and expence of our fortunes.—We conclude, these things are yet unknown, or in a great measure so, to your Excellency, as your Excellency's commencement to the administration, hath not been long, and a set of artful, wicked men, concealing the truth from your Excellency, purposing to make a booty of us, characterizing us, (speaking of our inhabitants in general) as so many rioters, if not rebels; and we being a poor people, at a great distance from your Excellency's place of residence, fatigued in settling a wilderness country, have little or no opportunity of acquainting your Excellency of our grievances, except by one short petition delivered to your Excellency, soon after your first taking the administration—and as our cause is represented before his Majesty and Council, we did not expect your Excellency to determine the controversy, nor do we yet expect it. We are sensible, those men that seek our ruin, thereby, to enrich themselves, do, by stratagems of every kind, represent us to your Excellency as breakers of the peace, and enemies to the government; and under this pretence, they hope to catch a number of the boldest of our inhabitants, and punish them in the *New-York* Inquisition, with that severity that the residue may be frightened out of both liberty and property; for otherways, they would soon be indicted rioters, and thus, under colour of punishing rioters, and a zeal of loyalty and veneration for good government, rob the inhabitants of their country. If we do not oppose the Sheriff and his Possy, he takes immediate possession of our houses and farms; if we do, we are immediately indicted rioters; and when others oppose officers, in taking such their friends, so indicted, they are also indicted, and so on, there being no end of indictment against us, so long as we act the bold and manly part, and stand by our liberty.

This is a short sketch of the disingenuous cunning of Messieurs *Duane*, and *Kemp*, and their associates; and it comes to this, at last, that we must tamely be dispossessed, or oppose officers in taking possession; and as a next necessary step, oppose taking of rioters, so called, or run away like so many cowards, and quit our country to a number of cringing, polite gentlemen, who have, ideally, possessed themselves of it already.

As to sundry men, who have eloped lately from our grants, and fled to *New-York* for protection, self-preservation necessitated us to treat some of them roughly; and others, viz. *Ebenezer Cowle*, and *Jonathan Wheat*, of *Shaftsbury*, fled to *New-York*, on account of their own guilt, not being hurt or threatened. Would time permit, we could give a rational account for most, or all of our late conduct towards these men. The general reason is this, namely, they were a set of men that loved themselves, and not their country, they busied themselves in planning and assisting to take rioters, so called. In fine, they were the emissaries of that mercenary core of Yorkers, and did more, in oppressing the people, than their preposterous benefactors.

The assault, made upon Mr. *Baker*, at day break, of the night of the 22d of March last, by a number of ruffians, under the command of the infamous *John Munro*, Esq. was a notorious riot, and gave energy and motion, to the subsequent acts, your Excellency denominates illegal. This *Munro*, and his bloody party, by cutting, wounding and maiming, Mr. *Baker*, his wife and children, in such an inhuman and savage manner, was no less than proclaiming himself, in a most public manner, to be a malicious and bloody enemy, not only to Mr. *Baker*, but also to all those men, on our grants, who, manfully, adhere to maintaining liberty and property; and inasmuch as the murderous villain is alive, he has no cause of complaint—for, after his assault upon Mr. *Baker*, he made another assault upon Mr. *Seth Warner*; but, not having so strong a party of ruffians with him, as in his other expedition, it was not attended with the like consequences, for Mr. *Warner* struck his head with a dull cutlass, and levelled him to the ground; but the blow proved not mortal; and after this, for his satisfaction for the wound, threatened the lives of a number of the *New-Hampshire* settlers.—Your Excellency will, undoubtedly, consider, as our opponents have had the manufactory of the civil laws, so much under their power, that this merciless man could not be brought to Justice, nor could others, among us, be safe, any other way, but by using him in his own play; he set the example, and enraged the people to mimick him from that natural principle of justice, in every man's own breast.

As to the perfidious and treacherous *Bliss Willoghby*, he always pretended to be a friend of the said *Baker's*, and *Baker* had ever been truly a friend of his—this hypocrite, two days before *Baker* was taken, made a frivolous excuse of business, went to said *Baker's* house, viewed the strength of it, perceived *Baker* was, somewhat, careless and secure, and made report to the said *Munro*. In fine, *Willoghby* was the planner and instigator of that savage cruelty, exercised to said *Baker*, which was perpetrated and brought into action by the detestible said *Munro*. But to desist: as to the history of our late transactions, whether they be all right or not, we, on our part, have a few arguments and considerations more to lay before your Excellency, as to the cause of our discontent, as well as to the cause of our late actions your Excellency denominates illegal.

The alteration of jurisdiction, in 1764, could not effect private property. Surely his Majesty, by this alteration, did not purpose to take away the personal property of a large number of his loyal subjects, and transfer it to other subjects; the English Constitution will, by no means, admit of this, for the transferring or alienation of property is a sacred prerogative of the true owner.—Kings and Governors cannot intermeddle therewith. Furthermore, your Excellency and Council must needs be acquainted that we have a petition lying before his Majesty and Council, for redress of our grievances. That is an impartial board; pray why may it not be determined there? For the very indentical matters in dispute, are now, and for several years past, have been, lying before that Court, except the accusations of riotousness, disorderly, &c. which is improved as a handle to subvert property, and that only.

Furthermore, in the time of Sir Henry Moor's administration, his Majesty was pleased to lay the Government of *New-York*, under absolute prohibition not to grant or patent any of the lands, antecedently granted under the great seal of the Province of *New-Hampshire*; and furthermore forbid the government to disturb or molest the settlers. This, rightly understood, amounts to a supercedeas over the authority of Common Law, and absolutely controuls the cognizance thereof. As to the particular matters, in the prohibition set forth, or matters lying before his Majesty, by petition, the import of the prohibition must needs be thus, namely, that his Majesty, by it, informs the Government of *New-York*, that he has taken the controversy, to him made known by petition, under royal consideration, and that, after due information and evidence of the state of the case, determines to settle the controversy; consequently forbids the government taking cognizance thereof; and common sense teaches us that under such prohibition, if a judgment, at Common Law, be supposed to be valid, it would invalidate the authority of the crown, and subvert and overthrow the authority of the kingdom, as it would render the prohibitions of the crown perfectly impertinent. Therefore, Common Law, in the case before us, is not cloathed with cognizance of this case, much less with authority to dispossess us; consequently, every party of men, that have, with officers or otherwise, come into these parts to dispossess us, came in open defiance, and direct opposition to his Majesty's orders and authority: and, though they stile us rioters, for opposing them, and seek to catch and punish us as such, yet, in reality, themselves are the rioters, the tumultuous, disorderly, stimulating faction, or, in fine, the land-robbers; and every violent act they have done to compass their designs, though ever so much under pretence of law, is, in reality a violation of law, and an insult on the constitution, and authority of the crown, as well as to many of us, in person, who have been great sufferers by such inhuman exertions of pretended legality of law.—Right, and wrong, are eternally the same, to all periods of time, places and nations; and colouring a crime with a specious pretence of law, only adds to the criminality of it; for, it subverts the very design of law, prostituting it to the vilest purposes. Can any man, in the exercise of reason, make himself believe that a number of Attorneys and other gentlemen, with all their tackle of ornaments, and compliments, and French finesse, together with their boasted legality of law; that these gentlemen have just right to the lands, labours and fortunes of the *New-Hampshire* settlers? Certainly they cannot. Yet, this is the object in view, by that mercenary fraternity.

We do not suppose, may it please your Excellency, we are making opposition to a government, as such; it is nothing more than a party, chiefly carried on by a number of gentlemen Attorneys, (if it be not an abuse to gentlemen of merit to call them so) who manifest a surpizing and enterprizing thirst of avarice, after our country: but, for a collection of such intreaguers, to plan matters of influence of a party, so as eventually to become judges in their own case, and, thereby, cheat us out of our country, appears to us so audaciously unreasonable and tyrannical, that we view it with the utmost detestation and indignation, and our breasts glow with a martial fury to defend our persons and fortunes from the ravages of those that would destroy us; but not against your Excellency's person or government.

We are fully persuaded, your Excellency's ears have been much abused by subtle and designing men; for, we are informed, from credible authority, your Excellency has, lately, made application to your Assembly, to raise an armed force to subdue us, but that the motion was negatived. We apprehend, your Excellency views us as opposing your Excellency's jurisdiction, and that the violent acts, by us done, was in rebellion to his Majesty's authority, or your Excellency had never proposed the subduing of us; we are morally certain, we can convince your Excellency, that it is not so; but that on the other hand, Messieurs *Duane*, *Kemp*, and their associates, are the aggressors.

We have chosen two men from among us, viz. Capt. *Stephen Fay*, and Mr. *Jonas Fay*, to treat with your Excellency, in person; who, we hope, will answer such queries, and give your Excellency the satisfaction you hope for.

We view your Excellency as our Governor and political father, and hope and expect, from the sincerity and candor of your Excellency's letter, you will be friendly and favourably disposed towards us, when your Excellency, by these lines, perceive the grounds of our discontent; for, we are conscious that our cause is good, and that it was oppression, which has been the ground of our discontent, and that self-preservation hath, hitherto, urged us to the measures lately taken. And we now earnestly intreat your Excellency's aid and assistance to quiet us in our possessions and properties, till his Majesty, in his royal wisdom, settle the controversy. If your Excellency should do this, there would be an end of riots, so called, and our tongues unable to express our gratitude to your Excellency for such protection.

Therefore, relying on your Excellency's great wisdom and goodness, as Members of your Government, his Majesty's loyal and liege subjects, we subscribe ourselves your Excellency's ever faithful and humble servants,

ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCHRAN.

The foregoing communications were transmitted to his Excellency, Governor Tryon, by the Agents appointed for that purpose. The Agents were received by his Excellency, and the communications laid before his Council, who, after mature consideration, advised as follows.

"The Committee are desirous your Excellency should afford the inhabitants of those townships, all the relief in your power, by suspending, till his Majesty's pleasure shall be known, all prosecutions in behalf of the crown, on account of the crimes with which they stand charged, by depositions before us; and to recommend it to the owners of the contested lands, under grants from this Province, to put a stop, during the same period, to all civil suits concerning the lands in question."

The foregoing was approved by the Governor, and communicated to the inhabitants in Bennington and the vicinity.

While this negociation was pending, the green mountain boys proceeded to dispossess certain settlers upon Otter Creek, claiming title under New-York; in consequence of which, Governor Tryon addressed the following letter to the inhabitants of Bennington and the adjacent country.

ALBANY, AUGUST 11TH, 1772.

GENTLEMEN,

AT the same time I express to you my satisfaction, by the opportunity of Mr. *Fay*, on the grateful manner in which you received and accepted the lenient measures prescribed by this government, for your peaceable conduct, until his Majesty's pleasure should be known, respecting the disputed claim to lands within this government, I cannot conceal from you my high displeasure at the breach of faith and honor, made by a body of your people, in dispossessing several settlers on *Otter Creek*, and its neighbourhood, of their possessions, during the very time the Commissioners you appointed to attend on me at *New-York*, were waiting the determination of government on your petition, that you might remain unmolested in your possessions, until the King's pleasure be obtained. Such disingenuous and dishonourable proceedings, I view with great concern, considering them as daring insults to government, a violation of public faith, and the conditions granted to you on petition. To prevent, therefore, the fatal consequence that must follow so manifest a breach of public confidence, I am to require your assistance, in putting, forthwith, those families, who have been thus dispossessed, into re-possession of their lands and tenements, in the same manner, in which they were, at the time Mr. *Fay* and his son, waited on me at *New-York*. Such a conduct on your part, will not fail of recommending your situation to his Majesty, and insure a continuance of my friendly intentions towards you.

WM. TRYON.

To the Inhabitants of Bennington, *and the adjacent Country.*

ANSWER TO THE FOREGOING.

BENNINGTON, AUGUST 25TH, 1772.

TO HIS EXCELLENCY,

WILLIAM TRYON, ESQUIRE, &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, his Majesty's liege and loyal subjects, inhabitants of *Bennington*, and the adjacent country, have received your Excellency's letter, of the 11th of August inst. by which, we are informed of your Excellency's high displeasure towards us, by reason of a body of our people's dispossessing several settlers on *Otter-Creek*, and its neighbourhood, of their possessions, during the very time our Messengers attended on your Excellency, at *New-York*, and were waiting the determination of government, on our petition, that we might remain unmolested in our possessions, till the King's pleasure could be obtained. Your Excellency further informs us, that you look on our late proceedings with great concern, viewing them as daring insults to government, a violation of public faith, and the conditions granted to our petition. We would, with proper submission, give your Excellency and Council, a short narrative of facts, with a few reflections and reasons thereon.—And,

First, we would observe, that our Messengers your Excellency stiles Commissioners, was not authorized to establish, and complete articles of public faith for their constituents. The business assigned them, was to deliver the written petition, and inform your Excellency and Council of the facts of the controversy subsisting, and further negociate and forward the matter of our petition, and return to us the determination of government, reserving to ourselves the power of assenting to, or dissenting therefrom; though true it is, when the articles of amicable settlement, or order of government was read at a public meeting, held at *Bennington*, on the 15th day of July ult. the said order and proposals were universally complied with by those present: from which time, we, reasonably, compute the date of public faith, and sacred bond of friendship. But, in the interim the conditions of faith was forming, and before a ratification thereof, Mr. *Kockburn*, a noted surveyor, unknown, (as we suppose,) to your Excellency and Council, by the contrivance, aid and employ of certain monopolizing adversaries of our's, took a tour to the northerly parts of the *New-Hampshire* grants, to survey, and make locations on our land. Such locating we view as a manifest plan, and intention of invading our property—the same as intrenching round the city, portraits a siege thereof.

Our people, having notice of Mr. *Kockburn's* intrusion on our borders, rallied a small party, and pursued, and overtook him and his party; and in their pursuit, passed the towns of *Panton* and *New-Haven*, near the mouth of *Otter-Creek*; dispossessed Col. *Reed* of a saw-mill, in said *Panton*, which, by force, and without colour, or even pretence of recourse to law, he had taken from the original owners and builders, more than three years before, and did, at that same time, extend his force, terrors and threats into the town of *New-Haven*; who, by the vicious and haughty aid of Mr. *Benzell*, the famed Engineer, with a number of assistants, under their command, so terrified the inhabitants, (which were about twelve in number,) that they left their possessions and farms to the Conquerers, and escaped with the skin of their teeth, although they had expended large sums of money in cutting roads to, and settling in, that new country, as well as fatigued and laboured hard in cultivating their farms. Col. *Reed*, at the same time, and with the same force, did take possession of one hundred and thirty saw-logs, and fourteen thousand feet of pine boards, which boards were made in the same mill, and all lying thereby; all which he converted to his own use. Not long after, the original proprietors of the said mill did re-enter, and take possession thereof, but was, a second time, attacked by Col. *Reed's* Stewart, with a number of armed men, under his (supposed) instructions, and by their superior force and threats, obliged to quit the premises again—all which tenements, said *Reed* occupied and enjoyed until dispossessed, as your Excellency's letter complains of.

But to return to *Kockburn* again. Our party, having taken him as aforesaid, brought him to the town of *Castleton*, near *South Bay*, where, being first informed of your Excellency's clemency, as well as that of the honourable Council, in granting the prayer of our petition; and in conformity to the articles of settlement agreed on, dismissed him on honourable terms.

This is a short narrative of facts, for the proof of which, sufficient affidavits can be educed,

We are apprehensive, your Excellency has been, hitherto, unacquainted with these facts, and have, therefore, exhibited them in this letter; although it appears strange to us, according as your Excellency's own letter states the matter, that we should be suspected or taxed with violation of public faith, and that our disingenuous and dishonourable violation thereof, hath nullified and made void the late amicable settlement; for, at the same time your Excellency charges us with breach of faith, and settlement, the very preliminaries of this faith was not known on our part, and consequently could not have been complied with; the very stipulations and faith spoken of, did not then exist; for it must be the meeting of the minds of the contracting parties, which constitutes such faith and agreement, and, of course, cannot be broken before its existence.

Mr. *Kockburn's* locating our lands, in the mean time the preliminaries of public faith were forming, was, at least, as much a breach of that faith, as what we are charged with. Nay, according to our conception of the matter, more so; as he made the first movement towards the invasion of our property.

Soon after our Messengers returned from New-York, and read the Minutes of Council, and your Excellency's letter of compliance therewith, to a large auditory, convened at Bennington for that purpose, composed of the inhabitants of that place, the adjacent country, and sundry respectable gentlemen from the neighbouring Provinces; your Excellency's gracious, wise, and benevolent proposals for settling unity and concord, in our part of the Province, were, by those present, unanimously applauded, and conceded to; and all possible public testimonies of honour and respect, paid to your Excellency and Council, by sundry discharges of cannon and small arms; your Excellency's health, long life, and prosperity, as well as that of the honourable Council's, was the toast; your name commanded reverence and esteem, and your Excellency's person in particular, became precious in our eyes.

And, we do humbly assure your Excellency we have no disposition of alienation of affections, towards you, or, knowingly, break any article of public faith.

There are two propositions, which are the objects of our attention.

Firstly; The protection and maintaining our property.

And, secondly; to use the greatest care and prudence, not to break the articles of public faith, or insult governmental authority.

These two propositions, we mean strictly and religiously to adhere to. And for the more explicit knowledge of the preliminaries and conditions of public faith and trust, we would inform your Excellency and Council, that our acceptation of those conditions on the part of *New-York*, is, that they make no further settlements or locations on our lands, granted under the great seal of the Province of *New-Hampshire*, until his Majesty's pleasure be obtained, as to the validity of the grants. Although this was not so fully expressed, yet we suppose it was implied in the abstract of the Minutes of Council; if it was not, we pray, your Excellency and Council would undeceive us in that particular; for if we are deceived in this, then, on this hypothesis, your Excellency and Council's lenient and friendly disposition towards us, will not, for the future, (by us) be viewed as such; for such locations and settlements on our lands, would be incompatible with friendship, and a manifest infringement on our property, which has, all along, been the bone of contention.

The last part of your Excellency's letter to us, contains a requirement of our immediate assistance in repossessing Col. *Reed's* tenants of said tenements. As to this particular, had your Excellency have known by what means Col. *Reed* obtained possession of them lands and tenements, undoubtedly your Excellency would not have required our assistance in repossessing him; or have viewed with concern, our dispossessing him, as a daring insult to government: for, the case rightly understood, it appears, that his conduct was a daring insult to government, and continued violation for more than three years, of the laws, restrictions, regulations, and œconomy, both of God, and man; a notorious breach of the tenth command of the decalogue, which says, "*Thou shalt not covet, &c.*" He, coveting, did take the saw-mill-logs, boards, and also, the lands, labours, possessions, farms, tenements, &c. &c. from the rightful owners, proprietors, and first occupants thereof, without a process at law, as aforesaid, to their exclusion from the premises more than three years; all which time, he has been enriching himself, by the improvement of their estates; and, should we repossess him of the premises again, we should become co-partners with him, in his wickedness. Such an act we could not reconcile to our own consciences; it being apparently immoral, and most flagrantly cruel and unjust.

When your Excellency and Council views these facts, and arguments, we humbly conceive we shall not be required to repossess Col. Reed of the premises: nor do we expect your Excellency and Council will adjudge us to be violators of the late articles of public faith: all which, with due submission, we refer to your Excellency and Council.

And, we do now, with due reverence, ask the favour of a few lines, which may certify to us, the determination of government, relative to the particulars litigated in this paper;* and remain your ever faithful and most obedient humble servants.

At a general meeting, held at Manchester, on the 27th day of August, 1772, by the Committee of the towns of Bennington, Sunderland, Manchester, Dosseth, Ruport, Pollet, Wells, Poultney, Castleton, Pitsford and Rutland; the foregoing answer to his Excellency's letter of the 11th inst. was read to the said Committees, and the vote was called by Mr. Nathan Clark, Chairman, whether the said answer be approved of, by the said Committees? and it was voted in the affirmative.

Test, **ETHAN ALLEN**, *Clerk for said Committees.*

The subject of this controversy, it seems, still engaged the attention of the British Cabinet; as appears by the following extract from a report of the Lords of trade to the Committee of his Majesty's most honorable privy Council, for plantation affairs, dated December 3d, 1772.

"Upon the fullest examination into all the circumstances which, at present, constitute the state of that District between the rivers *Hudson* and *Connecticut*; out of which, the greatest disorders and confusion have arisen; it seemeth to us, that the principal objects of attention in the consideration of any measures that can be suggested for restoring public tranquility, and quieting possessions, are,

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* We have been unable to find any answer to this communication. It is probable that the negociation here terminated.

First, those townships, which, having been originally settled and established under grants from the government of the *Massachusetts-Bay*, fell within this District, by the determination of the northern boundary of that Province, in the year 1740.

Secondly, those grants of land, made within this District, by the government of *New-York*, previous to the establishment of the townships laid out by the governor of *New-Hampshire*, after the conclusion of the peace; and which land now lies within the limits of some one or other of those townships.

Thirdly, those townships, which, having been originally laid out by the governor of *New-Hampshire*, either continue in the same state, or have been confirmed by grants from *New-York*; and also, those which have since originated under grants from the latter of those colonies.

With regard to those townships, which fall under the first of the above mentioned descriptions; when we consider their nature and origin, and the numberless difficulties to which the original proprietors of them must have been subjected in the settlement of lands, exposed to the incursions of the savages, and to every distress, which the neighbourhood of the French, in time of war, could bring upon them; and, when we add to these considerations, the great reason there is to believe that the grants were made upon the ground of military services against the enemy; we do not hesitate to submit to your Lordships our opinion, that the present proprietors of these townships, ought, both in justice and equity, to be quieted in their possessions: and, that all grants whatsoever, made by the government of *New-York*, of any lands, within the limits of those townships, whether the degree of improvement, under the original grant, had been more or less, are, in every light, which they can be viewed, oppressive and unjust. But, as we are sensible that such subsequent grants made by the government of *New-York*, however unwarrantable, cannot be set aside by any authority from his Majesty, in case the grantees shall insist on their title; we submit to your Lordships, whether it might not be expedient, in order to quiet the original proprietors in their possessions, to propose that all such persons who may claim possession of lands within the limits of such townships, under *New-York* grants, should, upon condition of their quiting such claim, receive a grant under the seal of *New-York* upon the like terms, and free of all expences, of an equal number of acres, in some other part of the District lying between the rivers *Hudson* and *Connecticut*; and in case, where any actual settlement or improvement has been made by such claimants, that they should, in such case, receive fifty acres of waste land for every three acres, they may have improved.

With regard to those grants made by the government of *New-York*, which fall within the second description, and upon which any actual improvement has been made; they do appear to us to deserve the same consideration; and that the proprietors thereof ought not to be disturbed in their possessions, whether that improvement be to a greater or lesser extent. But we beg leave to observe to your Lordships, that, in both these cases, no consideration ought to be had to any claim, where it shall appear that no regular possession has ever been taken, and no actual settlement ever been made.

With regard to those townships, which fall within the last mentioned description, we submit to your Lordships our opinion ;—That, provided such townships do not include land within the limits of some antecedent grant, upon which actual improvement has, at any time, been made, it would be adviseable they should be confirmed as townships, according to the limits expressed in the grants thereof ; and that all persons having possession of any shares in the said townships, either as original grantees, or by purchase or conveyance, and upon which shares any actual improvement or settlement has been made, ought not, in justice, to have been, or to be, in future, disturbed in the possession of such shares ; nor ought they to be bound to any other conditions, whether of quit rent or otherwise, than what is contained in the grant."

We now approach an interesting period in the history of this controversy. It will be recollected that the whole property of the settlers, on the New-Hampshire grants, had been long put at hazard by the claims of New-York. In face of the royal prohibition of the 24th of July, 1767, the government of that Province had proceeded to convey the lands, occupied under grants from the same royal authority. The Courts at Albany had, uniformly, decided in favor of the New-York grantees. Writs of possession had been issued ; the execution of which was regarded by the settlers as nothing less than legalized robbery. They therefore resisted ; and, for uniting in this resistance, had been indicted as rioters, and subjected to heavy penalties. Notwithstanding the attempt which had been made to arrest the progress of the controversy, it does not appear that the government of New-York had, at any time, taken measures to restrain the location and settlement of lands under New-York titles. The bone of contention, therefore, still remained ; and the failure of an attempted reconciliation had served to embitter the resentment of the contending parties, and produce a state of hostility, more decided and alarming.

The mass of the settlers, on the New-Hampshire grants, consisted of a brave, hardy race of men. Their minds, naturally strong and active, had been roused to the exercise of their highest energies, in a controversy, involving every thing that was dear to them. Though unskilled in the *rules* of logick, they, nevertheless, *reasoned* conclusively ; and having once come to a decision, they wanted not the courage or conduct necessary to carry it into execution.

Foremost among them, stood ETHAN ALLEN. Bold, ardent, and unyielding ; possessing a vigorous intellect, and an uncommon share of self-confidence, he was peculiarly fitted to become a successful leader of the opposition. In the progress of this controversy, several pamphlets were written by him, exhibiting, in a manner peculiar to himself, and well suited to the state of publick feeling, the injustice of the New-York claims.

These pamphlets were extensively circulated, and contributed much to inform the minds, arouse the zeal, and unite the efforts, of the settlers.

So far as the documents belonging to this period, shed any light on the subject, it appears that the inhabitants residing in the present Counties of Bennington and Rutland, had formed a convention, by Committees from the several towns; which met, if not statedly, at least, on extraordinary occasions, to adopt such measures, as the publick exigencies required. Among other acts of this body, it had been *decreed*—"that no person should take grants, or confirmation of grants, under the government of New York."—An order had also been made, "forbidding all inhabitants in the District of the New-Hampshire grants, to hold, take, or accept, any office of honor or profit under the Colony of New-York; and all civil and military officers, who had acted under the authority of the Governor or Legislature of New-York, were required to suspend their functions on pain of being *viewed*."*

These decrees were frequently enforced with exemplary severity. Among the various modes of punishment, the more common, was the application of the "*beach seal*"† to the naked back, and banishment from the grants!

One instance of punishment, in a case which seems not to have come within any special decree of the convention, deserves, for its ingenuity, to be recorded.

Dr. A. of Arlington, had become a partizan of New-York. Having often spoken in reproachful terms of the green mountain boys, and their convention, and advised to the purchase of lands under the New-York titles, he was requested to desist. Disregarding this request, he was arrested and "carried to the green mountain tavern, at Bennington, where the Committee heard his defence, and then ordered him to be tied in an armed chair, and hoisted up to the sign (*a catamount's skin, stuffed, sitting upon the sign post, twenty-five feet from the ground, with large teeth, grinning towards New-York,*) and there to hang two hours, in sight of the people, as a punishment merited by his enmity to the rights and liberties of the inhabitants of the New-Hampshire grants. The judgment was executed to the no small merriment of a large concourse of people. The Doctor was let down, and dismissed by the Committee, with an admonition to go and sin no more."‡

Enjoying, as we now do, the protection of just and equal laws, it is difficult to form a proper estimate of the measures we are reviewing. We shall be less inclined to censure them as unnecessarily severe, if we reflect, that there was no choice left to the New-Hampshire grantees, between an entire surrender of their farms, rescued from the wildness of nature, and made valuable, by their industry; and a determined and persevering resistance by *force.* Necessity drove them to resistance, and sound policy dictated that it should be of a character to inspire a full belief that it would be made effectual.

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* Allen's history.

† This instrument of punishment was termed the "beach *seal*," in allusion to the great seal of New Hampshire, affixed to the grants made by the Governor of that Province; of which, the *beach rod*, well laid onto the naked backs, of the "Yorkers" and their adherents, was humorously considered a confirmation!

‡ Allen's history.

The government of New-York, however, regarded this conduct as treasonable and rebellious, and the actors in these scenes, as a lawless banditti. Confident in their own strength, and miscalculating the resources which may be brought into requisition by men acting on the *defensive*, in the *last extremity*, they proceeded to the adoption of measures, "the most minatory and despotick, (in the language of Dr. Williams) of any thing, which had ever appeared in the British Colonies."

We commence the history of these measures with the following extract from the votes and proceedings of the General Assembly of New-York.

DIE SABATI, 10 HO. A. D. FEBRUARY 5TH, 1774.

MR. BRUSH, in behalf of Mr. *Clinton*, chairman, from the grand Committee, reported, that he was directed by the said Committee, to make the following report to the house, *viz.* That the said Committee, having taken into consideration the petition of *Benjamin Hough*,* in behalf of himself, and many of his Majesty's subjects, inhabiting the county of *Charlotte*, and the north-eastern district of the county of *Albany*; complaining of many acts of outrage, cruelty, and oppression, committed against their persons and properties, by the *Bennington* MOB, and the dangers and injuries to which they are daily exposed, and imploring that this house will take them under their protection, and secure them against future violence; and the said Committee, having also duly considered the several proofs and depositions presented in support of the truth of the said petition, do therefore resolve,

1. That it appears to this Committee, that there, at present, prevails in part of the county of *Charlotte*, and in the north-eastern district of the county of *Albany*, a dangerous and destructive spirit of riot and licentiousness, subversive of all order and good government; and that it is become an intolerable grievance, which requires immediate redress.

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* It appears from Allen's history, that Benjamin Hough had accepted, and officiated in, the office of justice of the peace, under the authority of New-York. Being arrested and brought before the Committee of safety at Sunderland, he pleaded the jurisdiction and authority of New-York, but was answered by the decree of the *Convention*, which forbid all persons holding any office, civil or military, under the Colony of New York.

In the presence of a large concourse of people, the following judgment was pronounced, "*That the prisoner be taken from the bar of this Committee of safety and tied to a tree, and there, on his naked back, to receive two hundred stripes; his back being dressed, he should depart out of the district, and on return, to suffer death, unless by special leave of Convention.*"

2. **Resolved**, That it appears to this Committee, that many acts of outrage, cruelty, and oppression have been there perpetrated by a number of lawless persons, calling themselves the *Bennington* MOB, who have seized, insulted, and terrified several magistrates and other civil officers, so that they dare not exercise their respective functions; rescued prisoners for debt, assumed to themselves military commands, and judicial power; burned and demolished the houses and property, and beat and abused the persons of many of his Majesty's subjects; expelled them from their possessions, and put a period to the administration of justice, and spread terror and destruction through that part of the country which is exposed to their oppression.

3. **Resolved**, That it is the opinion of this Committee, that the complainants before this house, and others, who inhabit part of that colony, and from respect to government, will not countenance or be concerned in the said riotous proceedings, are exposed, from the violence of the rioters, to iminent danger, both in persons and properties; and that they stand in need of immediate protection and succour.

4. **Resolved**, That it appears to this Committee, that *Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Silvanus Brown, James Breakenridge*, and *John Smith*, are principal ring-leaders of, and actors in, the riots and disturbances aforesaid; and that it is, therefore, the opinion of this Committee, that an humble address be presented to his Excellency, desiring that he would be pleased to issue a Proclamation, offering a reward of fifty pounds for apprehending and securing any or either of the persons above named, in his Majesty's goal in *Albany*; and commanding the magistrates, and other civil officers of the counties of *Albany* and *Charlotte*, to be active and vigilant in suppressing the said riots, and preserving the public peace and good order, as well as for bringing to justice the perpetrators and authors of said riots.

5. **Resolved**, That it is the opinion of this Committee, that a bill be brought in, more effectually to suppress the said riotous and disorderly proceedings, maintain the free course of justice, and for bringing the offenders to condign punishment. Which report he read in his place, and afterwards delivered it in at the table, where the said resolutions were severally read a second time, and it was resolved that this house doth agree with the Committee in their said resolutions.

Ordered, That a bill be brought in, pursuant to the last resolution, and that Mr. *Brush*, and Col. *Ten Broeck*, prepare and bring in the same. Ordered, that Capt. *Delancey*, and Mr. *Walton*, wait on his Excellency the Governor with the foregoing address and resolutions of the house.

The following proceedings will show in what manner the foregoing Resolutions were met by the people on the New-Hampshire grants.

"At a General Meeting of the Committees for the several townships on the west side of the range of green mountains, granted under the great seal of the Province of New-Hampshire, held at the house of Mr. Eliakim Wellers, in Manchester, on the 1st day of March, A. D. 1774, and afterwards, by adjournment, at the house of Capt. Jehiel Hawley, in Arling ton, on the 3d Wednesday of the same month; at which several times and places, the New-York Mercury, No. 1163, was produced, which contains an extract from the votes and procceedings of the General Assembly of the Colony of New-York, which is as follows, viz.

[Here follow the Resolutions, as given above.]

Mr. Nathan Clark, chairman of the Committee of the *New-Hampshire* settlers aforesaid, ordered the clerk to read the resolves and votes aforesaid, to the general Committee, which was accordingly read, sundry times, and the following draught being presented in answer thereto, to the publick meeting; seven persons were selected and chosen out of the said general Committee to examine the same, and report their opinion thereon, which here follows.

When we consider the numberless troubles, and almost insurmountable difficulties which our infant settlements have been forced to struggle with, since its first beginning, which have been occasioned by an unequal and biassed administration of law, ever since our unhappy misfortune of being annexed to a government in which the interest of the greater part of the leading gentlemen thereof, are in direct opposition to our's. The tyrannical measures they take to enslave us, (we hope) will not fail to justify us in the following arguments and resolves thereon.; for we think it an intolerable hardship, and piece of inhuman cruelty, that we cannot be said to give sufficient proof of our loyalty and obedience to government, but at the resignation of our whole fortunes, in the purchase and improvement of which, we have suffered an infinity of hardship. While we view the spirit of the general assembly in their resolves, we cannot but reflect with some regret, on what may, of consequence, prove the result (without an alteration) of their present opinion; but there are scarce any circumstances that entirely exclude hope; therefore we are not yet in total despair; for this moment we happily call to mind, that the general assembly of the same Province, about two years ago, did annex all that part of the *Bay* Province, west of *Connecticut* river, to that UNLIMITED county of *Albany;* but their avaricious grappling not being of a sufficient strength for such an unreasonable burthen, it failed, by which they lost their ideal booty.

The reader will doubtless observe, that in the resolves of the assembly aforesaid, there is not a single word mentioned in regard to the title of the land contested for, but that they level all their spleen, and point all their malice at notorious rioters, as they call them, and make a pretended shew and figure, as though they were great sticklers for good order and government; although, at the same time, every person of common sense, who has had any acquaintance and knowledge of the controversy, absolutely knows, that our goodly land, with the labour thereon, is the only subject matter, and grand object, of the whole controversy; and give the *New-Yorkers* but that, and the matter would be accomplished to their eternal satisfaction; and it is presumed the words riotous, disorderly, licentious, &c. would not be printed again on account of the *New-Hampshire* grantees and present occupants, for the whole course of the succeeding century.

For, the truth of the case is, the executors of the law, are most, if not all, of them the pretended claimants to the lands whereon the *New-*

Hampshire grantees and occupants dwell; and their judgments on writs of ejectment, brought by the *New-York* patentees, have not hitherto failed to correspond with their imaginary interests; but were they honest men, they would not undertake to be judges in their own case, or in any other wherein the resolution thereof would make a president for their own, especially in title of land, wherein judge and plaintiff are connected in one common interest: such a distribution of law is contrary to the law of reason and nations.

Therefore, our case stands thus; if we submit to their executions of law, and become obedient and submissive subjects of their designing government, we must soon yield to be their tenants and slaves; and we cannot see reason to conform to any law which will apparently bring us and our posterity into bondage, or manifestly deprive us of our property; but inasmuch as we boldly adhere to the maintainance of our property, which to us is very precious, as it would be to the *New-Yorkers*, was it in their hands. We find it is immediately recommended to the Governor of the Province, by the general assembly, to issue his Proclamation, offering therein large sums of money to apprehend those notorious rioters, as they are pleased to stile them. It must, indeed, be shocking to common sense, when the reader comes to observe what notorious complaints, and most horrid accusations are set forth in the resolves of the general assembly of *New-York*, mentioned in the fore part of this paper, against thousands of hard labouring, industrious, honest peasants, who are, in truth, loyal subjects of the crown of *Great-Britain*, for their violations of law and government; when, at the same time, the following express orders from his most sacred Majesty to that litigious government of *New York*, will plainly show, that they do not make the least hesitation to rebel and act in direct opposition to the authority of the crown; when (as in the present case) they shew a disposition to take advantage of the minor part of those under their government, and throw them into contention and disorder, and thereby build their fortunes on the ruin of the pretended aggressors, (and all under the specious pretence of good order and government) which is, in fact, what they eventually aim at, as will appear by the following order.

At a Court at St. James's, the 24th day of July, 1767.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

Archbishop of Canterbury,	*Earl of Shelburne,*
Lord Chancellor,	*Viscount Falmouth,*
Duke of Queensbury,	*Viscount Barrington,*
Duke of Ancester,	*Viscount Clarke,*
Lord Chamberlain,	*Bishop of London,*
Earl of Litchfield,	*Mr. Secretary Conway,*
Earl of Bristol,	*Hans Stanley, Esq.*

The petition, and report thereon, by the Lords of trade and plantation affairs, is too prolix to be inserted in this paper; the royal order is therefore only transcribed, which is as follows.

His Majesty, taking the said report into consideration, was pleased, with the advice of his privy council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or Commander in Chief of his Majesty's Province of *New-York*, for the time being, do not, upon pain of his Majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands, described in the said report, until his Majesty's further pleasure shall be known, concerning the same.

A True Copy,

WILLIAM SHARPE,

Attest GEO. BANYAR, *Dep. Sec'ry.*

Notwithstanding this prohibition, and one or two more of the same general import, and from the same authority, the government of *New-York* have lapped their patents on the *New-Hampshire* charters, and in consequence thereof, demand, at common law, the land on which the *New Hampshire* grantees and occupants dwell; and from hence has arisen the numerous troubles and disturbances between the government of *New-York* and its discontented subjects, the settlers under *New-Hampshire.* This has also been the source of all licentiousness and confusion, riotousness, &c. complained of by that government against the settlers aforesaid.

And whereas the true state of our grants hath been already laid before the worthy lords of the board of trade and plantation, and they, having considered and wisely deliberated upon its several circumstances, did on the third day of *December*, A. D. 1772, make their report in favor of the *New-Hampshire* grantees,* to his most gracious Majesty, whose royal confirmation we daily expect; and on the credit and good faith of this report, many hundreds of industrious (and many of them wealthy) families have purchased and moved upon the *New-Hampshire* grants, nothing doubting of that title.

We, therefore, humbly report to the said general Committee of the *New-Hampshire* grants, as our opinion,

1. That as we ever have, so for the future we will remain loyal and dutiful subjects to our most rightful sovereign George the third, and demean ourselves agreeable to the good and wholesome laws of the realm, and fight for the dignity of his Majesty's crown and government, at all times, when there may be a call for it; viewing him as our political father, and relying on him to be protected in our property.

2. That, as we purchased our lands of one of his Majesty's Governors, and on the good faith of the crown of *Great-Britain*, we are determined to maintain those grants, against all opposition, until his Majesty's royal pleasure shall be known in the premises.

And whereas we have never made any further resistance to government, than the law of self-preservation, which the law of God and nature enjoins on every intelligent, wise and understanding being; we, therefore, are fully of the opinion to resolve,

3. That such of the magistrates and governmental authority of the Province of *New-York*, as have pursued, and have been accessary in the scheme of indicting our friends and neighbours as rioters; and have, by

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[*] See Page 33.

intrigue and stratagem, of various sorts, endeavored to take them, and punish them as criminals; thereby to dishearten and terrify the *New-Hampshire* settlers to that degree, that they may tamely be disinherited; have acted contrary to the spirit and design of the good and righteous laws of *Great-Britain*, which, under a just administration, never fail to secure the liberty and property of the subject; and are thereby guilty of great inhumanity to its respective subjects. We therefore resolve, That as a country, we will stand by, and defend our friends and neighbours so indicted, at the expence of our lives and fortunes. And we would recommend it to the general assembly of the Province of *New-York*, to wait the determination of his Majesty, relative to the title of those lands, and desist from taking us as rioters, to prevent the unhappy consequences that may result from such an attempt.

And fourthly, and lastly, resolved, That, for the future, every necessary preparation be made, and that our inhabitants hold themselves in readiness, at a minute's warning, to aid and defend such friends of our's, who, for their merit to the great and general cause, are falsely denominated rioters; but that we will not act any thing more or less, but on the defensive, and always encourage due execution of law in civil cases, and also in criminal prosecutions, that are so indeed; and that we will assist, to the utmost of our power, the officers appointed for that purpose.

The foregoing arguments, narrations and resolves, being laid before the general committee of the *New-Hampshire* grants, was read sundry times, and carefully examined; and after mature deliberation, Mr. *Clark*, chairman, put the votes to trial, whether the foregoing was approved of as an answer to the resolves of the general assembly of the Province of *New-York*? and it was passed in the affirmative. And it was furthermore the advice of this committee, that the foregoing be forthwith exhibited in the public papers, to the intent that all officers, magistrates, and persons whatsoever, may know, that if they presume to take the rioters aforesaid, they do it on their peril.

Certified by

NATHAN CLARK, *Chairman*,
JONAS FAY, *Clerk*.

Bennington, *April* 14, 1774.

While the convention of the *New-Hampshire* grants were preparing for the adoption of these resolutions, the General Assembly of *New-York* proceeded to carry into effect their resolutions of the 5th of February; and, on the 9th of March, 1774, enacted the following extraordinary Law.

AN Act for preventing tumultuous and riotous Assemblies in the places therein mentioned, and for the more speedy and effectual punishing the rioters.

WHEREAS a spirit of riot and licentiousness has, of late, prevailed in some parts of the counties of Charlotte *and* Albany,* *and many acts*

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* The County of Albany, it is believed, extended to the north line of Manchester, in the present County of Bennington: the territory north of that, on the western side of the mountains, was erected into a separate County, by the name of Charlotte.

of outrage and cruelty have been perpetrated by a number of turbulent men, who, assembling from time to time, in arms, have seized, insulted and menaced, several magistrates, and other civil officers, so that they dare not execute their functions—rescued prisoners for debt—assumed to themselves military commands, and judicial powers—burned and demolished houses and property, and beat and abused the persons of many of his Majesty's subjects—expelled others from their possessions—and finally, have put a period to the administration of justice within, and spread terror and destruction throughout, that part of the country which is exposed to their oppression: Therefore, for the preventing and suppressing such riots and tumults, and for the more speedy and effectual punishing the offenders therein.

1. *Be it enacted*, by his Excellency the Governor, the Council, and the General Assembly, and it is hereby enacted, by the authority of the same, That, if any persons, to the number of three, or more, being unlawfully, riotously, and tumultuously assembled, within either of the said counties, to the disturbance of the public peace, at any time after the passing of this act, and being required or commanded, by any one or more justice or justices of the peace, or by the high sheriff, or his under sheriff, or by any one of the coroners of the county where such assembly shall be, by proclamation to be made in the King's name, in the form herein after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of three, or more, notwithstanding such proclamation made, unlawfully, riotously, and tumultuously remain or continue together, to the number of three, or more, after such command or request made by proclamation, shall, for every such offence, upon conviction thereof, in due form of law, either in the supreme court of judicature of this colony, or at the courts of oyer and terminer, and general goal delivery, or at the general sessions of the peace, to be held respectively in and for the said counties of *Albany* and *Charlotte*, or either of them, suffer twelve months imprisonment, without bail or mainprize, and such further corporal punishment as the respective courts before which he, she, or they, shall be convicted, shall judge fit, not extending to life or limb; and before his or her discharge, shall enter into recognizance with two sufficient sureties, in such sum as the said courts shall respectively direct, to be of good behaviour, and keep the peace towards his Majesty and all his subjects, for the term of three years from such his, her, or their discharge out of prison.

2. *And be it further enacted* by the authority aforesaid, That the order and form of the proclamation which shall be made by the authority of this act, shall be as hereafter follows, that is to say: The justice or other person, authorized by this act to make the said proclamation, shall, among the said rioters or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be kept while proclamation is making; and shall then openly with a loud voice make, or cause to be made, proclamation in these words, or to the like effect: *Our Sovereign Lord the King, chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pain*

contained in the act made in the fourteenth year of the reign of King GEORGE *the third, to prevent tumultuous and riotous assemblies.* And every such justice or justices of the peace, sheriff, under sheriff or coroner, within the limits of the respective counties, where they reside, are hereby authorised, impowered, and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, forthwith to repair to the place where such unlawful, riotous and tumultuous assembly shall be, to the number of three or more, and there to make or cause to be made, proclamation in manner aforesaid.

3. *And be it further enacted* by the authority aforesaid, That if any person or persons do, or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner, wilfully and knowingly let, hinder or hurt any person or persons, who shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made; that then, every such opposing, letting, hindering, or hurting, such person or persons, so being or going to make such proclamation as aforesaid, shall be adjudged felony, without benefit of clergy; and that the offenders therein, shall be adjudged felons, and shall suffer death, as in cases of felony without benefit of clergy: And that also, every such person or persons, so being unlawfully, riotously and tumultuously assembled to the number of three, as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindred as aforesaid, shall, in case they, or any of them, to the number of three or more, shall continue together, and not forthwith disperse themselves, after such let or hindrance, having knowledge of such let or hindrance, shall, likewise, for every such offence, upon conviction thereof, in manner aforesaid, suffer the same pains and penalties as are hereby inflicted on those who shall continue together to the number of three or more, after they shall be commanded to depart to their habitations, or lawful business, by proclamation as aforesaid.

4. *And be it further enacted* by the authority aforesaid, That if such persons so unlawfully, riotously and tumultuously assembled, or any three or more of them, after proclamation made in manner aforesaid, shall continue together, and not forthwith disperse themselves, it shall and may be lawful to and for every such justice of the peace, sheriff, under sheriff, coroner, or constable, of any county or township where such assembly shall be; and to and for such person or persons as shall be commanded to be assisting unto such justice of the peace, sheriff, under sheriff, coroner, or constable, (who are hereby authorised and impowered to command all his Majesty's subjects of age and ability, to be aiding and assisting to them therein;) to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously, and tumultuously assembled together, after proclamation made as aforesaid, and forthwith to carry the persons so apprehended, before any one or more of his Majesty's justices of the peace of the said counties of *Charlotte* or *Albany*, in order to their being proceeded against for such their offences according to law.

And that, if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing or apprehending them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them; that then, every such justice of the peace, sheriff, under sheriff, coroner or constable, and all and singular persons aiding and assisting to them, or any of them, shall be freed, discharged, and indemnified, as well against the King's Majesty, his heirs and successors, as against all and every other person or persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons, so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt as aforesaid.

5. *And be it further enacted* by the authority aforesaid, That, if any person or persons, within the said counties, or either of them, not being lawfully authorized a judge, justice, or magistrate, shall assume judicial power, or shall try, fine, sentence or condemn any person who shall either be absent, or shall unlawfully or forcibly be seized, taken, or brought before him or them, for trial or punishment; or if any person or persons shall aid or assist in such illegal proceedings, or shall enforce, execute or carry the same into effect; or if any person or persons shall, unlawfully, seize, detain, or confine, or assault and beat any magistrate or civil officer, for, or in the respect of any act or proceeding in the due exercise of his function, or in order to compel him to resign, renounce, or surcease his commission or authority, or to terrify, hinder, or prevent him from performing and discharging the duties thereof; or if any person or persons, either secretly or openly, shall, unlawfully, wilfully and maliciously, burn or destroy the grain, corn or hay, of any other person, being in any inclosure; or if any persons, unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, shall, unlawfully, and with force, demolish or pull down, or begin to demolish or pull down, any dwelling-house, barn, stable, grist-mill, saw-mill, or out-house, within either of the said counties; that then, each of the said offences, respectively, shall be adjudged felony, without benefit of clergy; and the offenders therein shall be adjudged felons, and shall suffer death, as in cases of felony without benefit of clergy.

6. And whereas complaint and proofs have been made, as well before his Excellency the Governor in Council, as before the General Assembly, That *Ethan Allen*, some time of *Salisbury*, in the colony of *Connecticut*, but late of *Bennington*, in the county of *Albany*, yeoman; *Seth Warner*, late of *Bennington*, in the said county, yeoman; *Remember Baker*, late of *Arlington*, in the said county, yeoman; *Robert Cochran*, late of *Ruport*, in the county of *Charlotte*, yeoman; *Peleg Sunderland* and *Silvanus Brown*, late of *Socialborough*, in the same county, yeoman; *James Brackenridge*, late of *Wallumschack*, in the county of *Albany*, yeoman; and *John Smith*, late of *Socialborough*, yeoman; have been principal ring-leaders of, and actors in, the riots and disturbances aforesaid; and the general assembly have, thereupon, addressed his Excellency the Governor, to issue a proclamation offering certain rewards for apprehending and securing the said offenders, and for bringing them and the other perpetrators and authors of the riots to justice: And forasmuch as such disorderly practices are highly criminal and destructive to the

peace and settlement of the country, and it is indispensably necessary for want of process to outlawry (which is not used in this colony) that special provision be made for bringing such offenders, in future, to trial and punishment, without exposing the colony to the expence of extraordinary rewards and bounties for apprehending such offenders.

Be it further enacted by the authority aforesaid, That it shall and may be lawful to, and for, his Excellency the Governor, or the Governor and Commander in Chief, for the time being, by, and with, the advice of the council, as often as either of the above named persons, or any other person, shall be indicted in either of the counties aforesaid, for any offence perpetrated after the passing of this act, made capital by this or any other law, or where any person may stand indicted for any of the offences above mentioned, not made felony by this act, to make his order in council, thereby requiring and commanding such offender or offenders to surrender themselves, respectively, within the space of seventy days next after the first publication thereof, in the *New-York* Gazette, and Weekly Mercury, to one of his Majesty's justices of the peace, for either of the said counties respectively, who are hereby required, thereupon, to commit him or them, without bail or mainprize, to the goal of the City of *New-York*, or of the City and County, of *Albany*, to the end that he or they may be forth-coming to answer the offence or offences, wherewith he or they shall stand charged, according to the ordinary course of the law; which order the clerk of his Majesty's Council, or his deputy, shall cause, forthwith, to be printed and published, in eight successive papers, of the *New-York* Gazette and Weekly Mercury; the two first of which to be, forthwith, transmitted to the sheriffs of the counties of *Albany* and *Charlotte*; and the said sheriffs, respectively, shall, within six days after the receipt thereof, cause the same printed orders to be affixed upon the door of the court-house of the county of *Albany*, and upon the door of the dwell-house of *Patrick Smith*, Esq., where the courts are now usually held for the said county of *Charlotte*, and upon the doors of two other public-houses in each of their respective counties. And in case the said offenders shall not respectively surrender themselves, pursuant to such orders of his Excellency the Governor, or of the Governor and Commander in Chief, for the time being, to be made in council as aforesaid; he or they, so neglecting or refusing to surrender himself or themselves as aforesaid, shall, from the day to be appointed for his or their surrendry as aforesaid, be adjudged, deemed, and (if indicted for a capital offence hereafter to be perpetrated) to be convicted and attainted of felony, and shall suffer death, as in cases of persons convicted and attainted of felony, by verdict and judgment, without benefit of clergy; and that it shall and may be lawful to and for the supreme court of judicature of this colony, or the courts of oyer and terminer, or general goal delivery, for the respective counties aforesaid, to award execution against such offender or offenders, so indicted for a capital offence perpetrated after the passing of this act, in such manner as if he or they had been convicted or attainted in the said supreme courts of judicature, or before such courts of oyer and terminer, or general goal delivery respectively. And if any offender, being indicted for a lesser offence, under the degree of felony, shall not surrender himself within the time fixed by such order, and after such notice aforesaid, he shall thenceforth be deemed guilty of the offence for which he may be charged by such indictment; and it shall be lawful for the court wherein such indictment is found, to proceed to pronounce such judgment against the offender, as might lawfully be done if he was present in court, and convicted in the ordinary course of the law, of the crime wherewith he shall so stand charged as aforesaid. Provided always,

7. *And be it further enacted* by the same authority aforesaid, That, if any person, so neglecting to surrender himself as aforesaid, within the said seventy days, shall, at any time after, surrender himself to the sheriff of the City of *New-York* or *Albany*, or of the counties of *Dutchess* or *West-Chester*, (who are to receive, and safely keep such offenders) and being actually in custody, shall exhibit reasonable proof, to the satisfaction of the judges of the supreme court of this colony, or either of them, that he was not within either of the said counties of *Albany* or *Charlotte*, or within either of the counties of *Cumberland* or *Gloucester*, at any time after the publication and notices above directed, and before such surrender of himself as aforesaid; then such judge before whom such proof is made, shall, forthwith, notify the same in writing, to the sheriff to whom any warrant of execution for the executing such offender, or any other process for any lesser punishment hath been, or may be issued; and thenceforth such prisoner or offender shall not be liable to suffer death or any other punishment for not surrendering himself—Provided also, that nothing in this act contained shall be construed to exempt any offender, so surrendering himself after the seventy days as aforesaid, from any punishment to which he may be liable for any other crime than for not surrendering himself within the seventy days as aforesaid; nor to deprive any person who shall so surrender himself within the seventy days, from being bailed, in cases where he shall be bailable by law; any thing herein contained to the contrary thereof, in any wise, nothwithstanding.

8. *And be it further enacted* by the same authority aforesaid, That, all and every person and persons who shall, after the expiration of the time to be appointed, as aforesaid, for the surrender of the respective offenders herein before named, harbour, receive, conceal, abet, or succour such offender, or offenders, knowing him or them to have been required to surrender him or themselves by such order or orders as aforesaid, and not to have surrendered pursuant thereto, shall, upon conviction thereof, in due form of law, suffer the same pains and penalties as are, by this act, inflicted on those who shall continue together to the number of three or more, after they shall be commanded to depart to their habitation or lawful business, by proclamation as aforesaid.

9. And whereas the said county of *Charlotte*, hath but lately been set off from the said county of *Albany*, and there is yet no goal or court-house erected within the same; and a great part of the said county being involved in a state of anarchy and confusion, by reason of the violent proceedings of the aforesaid riotous and disorderly people, from whence it must, at present, be extremely difficult, if not impracticable, to bring offenders to justice within the said county.

Be it therefore further enacted by the authority aforesaid, That all treasons, felonies, crimes, misdemeanors and offences whatsoever, at any time heretofore committed or perpetrated, or hereafter to be committed or perpetrated within the said county of *Charlotte*, shall and may be proceeded against and presented by any grand jury for the county of *Albany*, from time to time, to be impanelled and sworn at any court of criminal jurisdiction to be held in and for the said county of *Albany*; who shall and may charge any of the said offences to have been committed in any part of the said county of *Charlotte*; and all indictments so found by them, shall be adjudged to be good and valid, notwithstanding that the place of perpetrating any of the said offences be in the said indictments alledged to be out of the said county of *Albany*; and all such offences and offenders which shall be presented or indicted as aforesaid, shall and may be tried within the county of *Albany*, and by a jury thereof, and there heard, determined, and punished in the same manner and form as if such treason, felony, crime, misdemeanor or offence, had arisen and been perpetrated within the said county of *Albany*.

10. Provided always, *and be it further enacted*, That if, at any time hereafter, the justices to be appointed for holding courts of oyer and terminer, and general goal delivery, for the said county of *Charlotte*, in cases cognizable before them, or the justices of the general session of the peace for the said county of *Charlotte*, in cases cognizable before them, shall conceive that any prisoner or offender may be safely brought to justice within, and by a jury of, the said county of *Charlotte*; that then, it shall and may be lawful to and for each of the said courts respectively, to proceed against, and try, such prisoner or offender, having lawful cognizance of his cause, within, and by a jury of, the said county of *Charlotte*; and him there to acquit or to sentence, condemn, and punish, as the law directs; any thing in this act to the contrary thereof notwithstanding.

11. *And be it further enacted* by the authority aforesaid, That this act shall be publickly read in every court of general sessions of the peace, to be held in each of the said counties of *Albany* and *Charlotte* respectively.

12. *And be it further enacted* by the authority aforesaid, That this act shall remain and continue in full force and effect, from the passing thereof, until the first day of *January*, which will be in the year of our Lord, one thousand seven hundred and seventy-six."

With the passage of this law, terminated every prospect of peace, or submission to the claims of New-York. The New-Hampshire grantees regarded it as originating, solely, in the avarice of a set of speculators, who coveted their lands with their valuable improvements; and as designed to terrify them into submission. They well knew that the great body of the people of New-York felt no interest in enforcing the claims involved in this controversy. On the contrary, the popular sentiment was favorable to the rights of the settlers; and former experience had proved that the militia of that colony could not be brought to act against them, with any effect.

Under such circumstances, the threatenings of that government, so far from inspiring terror, were regarded with utter contempt; and instead of palsying, nerved the arm of resistance. Indeed, the idea of *submission* seems never, for a moment, to have occupied the attention of the handful of brave men against whom these measures were directed. Educated in the school of adversity, and inured to hardship and danger, they met, and sustained the shock, with a firm, unbroken spirit.

The following remonstrance, signed by Ethan Allen and others, presents, it is believed, a fair specimen of the views and feelings of the great body of the New-Hampshire grantees, at this trying period.

"His Excellency, Governor *Tryon*, in conformity to the addresses of the general assembly of the colony of *New-York*, having, on the 9th day of *March*, 1774, with the advice of his Council, issued his proclamation, offering, therein, large sums of money for the purpose of apprehending and imprisoning the following persons, viz. *Ethan Allen*, *Seth Warner*, *Remember Baker*, *Robert Cochran*, *Peleg Sunderland*, *Silvanus Brown*, *James Brackenridge*, and *James Smith*.

And whereas his Excellency the Governor, by the same proclamation, hath, strictly, enjoined and commanded all magistrates, justices of the peace, sheriffs, and other civil officers of the counties of *Albany* and *Charlotte*, to be active and vigilant in apprehending and imprisoning the persons above-named; and we, the aforesaid persons, who have hereunto subscribed, being conscious that our cause is good and equitable in the sight of God, and all unprejudiced and honest men, are determined, at all events, to maintain and defend the same, till his Majesty's pleasure shall be known concerning the validity of the *New-Hampshire* grants.—And we now proclaim to the public, not only for ourselves but for the *New-Hampshire* grantees, and occupants in general, that the spring, and moving cause, of our opposition to the government of *New-York*, was self-preservation, *viz.* Firstly, the preservation and maintaining of our property: and secondly, since that government is so incensed against us, therefore it stands us in hand to defend our lives; for, it appears, by a late set of laws passed by the legislature thereof, that the lives and property of the *New-Hampshire* settlers are manifestly struck at; but, that the public may righlty understand the essence of the controversy, we now proclaim to those law-givers, and to the world, that if the *New-York* patentees will remove their patents that have been, subsequently, laped and laid on the *New-Hampshire* charters, and quiet us in our possessions, agreeable to his Majesty's directions, and suspend those criminal prosecutions against us for being rioters (as we are unjustly denominated) then will our settlers be orderly and submissive subjects to government; but, be it known to that despotic fraternity of law-makers and law-breakers, that we will not be fooled or frighted out of our property. They have broke over his Majesty's express prohibitions, in patenting those lands, and when they act in conformity to the regal authority of *Great-Britain*, it will be soon enough for us to obey them. It is well known by all wise and sensible persons in the neighbouring governments, (that have animadverted on the controversy) that their pretended zeal for good order and government, is fallacious, and that they aim at the lands and labours of the grantees and settlers aforesaid; and that they subvert the good and wholesome laws of the realm, to corroborate with, and bring about their vile and mercenary purposes.

And, inasmuch as the malignity of their disposition towards us, hath flamed to an immeasurable and murderous degree, they have, in their new-fangled laws, calculated for the meridian of the *New-Hampshire* grants, passed the 9th of *March*, 1774, so calculated them, as to correspond with the depravedness of their minds and morals;—in them laws, they have exhibited their genuine pictures. The emblems of their insatiable, avaricious, overbearing, inhuman, barbarous, and blood-guiltiness of disposition and intention is therein portraited in that transparent image of themselves, which cannot fail to be a blot, and an infamous reproach to them, to posterity.——We cannot suppose that every of his Majesty's Council, or that all the members of the general assembly were active in passing so bloody and unconstitutional a set of laws. Undoubtedly, some of them disapproved thereof; and it is altogether possible, that many that were active in making the law, were imposed upon by false representations, and acted under mistaken views of doing honor to government; but be this as it will, it appears that there was a majority. And it has been too much the case with that government, for a number of designing schemers, and land-jockeys, to rule the same. Let us take a view of their former narrow and circumbscribed boundaries, and how, that by legerdemain, bribery and deceptions of one sort or other, they have extended their domain far and wide. They have wrangled with, and encroached on their neighbouring governments, and have used all manner of deceit and fraud to accomplish their designs: their tenants groan under their usury and oppression; and they have gained, as well as merited, the disapprobation and abhorence of their neighbours; and the innocent blood they have already shed, calls for heaven's vengeance on their guilty heads; and if they should come forth in arms against us, thousands of their injured and dissatisfied neighbours in the several governments, will join with us, to cut off, and extirpated such an execrable race from the face of the earth!

This piece is not supposed to contain a full answer to the new constructed laws aforesaid; for such a large *two year old*, hath never before been seen in *America*, it being of an enormous and monstrous birth; nor is it supposed to give the legislators their full characters: but so much may suffice for the present. To quote the laws, and make remarks thereon, would be matter sufficient for a volume: however, we will yet make some short observations.

1st. Negatively, it is not a law for the Province of *New-York* in general, but,

2d. Positively, it is a law but for part of the counties of *Charlotte* and *Albany*, viz. such parts thereof as are covered with the *New-Hampshire* charters; and it is well known those grants compose but a minor part of the inhabitants of the said Province; and we have no representative in that assembly. The first knowledge we had of said laws, was the completion of them; which informed us, that if we assembled, three or more of us together, to oppose (that which they call legal) authority, we shall be adjudged felons, and suffer the pains of death; and that same fraternity of plotters knew, as well as we, and the generality of the people in the adjacent colonies, that they have, for a number of years last past, endeavored to exercise such a course of what they call law, that had they not been opposed by the people of these grants (called the MOB) in the executing the same, they would, before this time, have been in possession of that territory, for which the laws aforesaid are calculated. Therefore the case stands thus: If we oppose civil officers, in taking possession of our farms, we are, by these laws, denominated felons; or if we defend our neighbours who have been indicted rioters, only for defending our property; we are likewise adjudged felons. In fine, every opposition to their monarchical government is deemed felony, and at the end of every such sentence, there is the word DEATH! And the same laws further impowered the respective judges, provided any persons, to the number of three, or more, that shall oppose any Magistrate, or other civil officer, and be not taken, that after a legal warning of seventy days, if they do not come and yield themselves up to certain officers appointed for the purpose of securing them; then it shall be lawful for the judges aforesaid, to award execution of DEATH, the same as though he or they had been convicted or attainted before a proper court of judicature, &c. The candid reader will, doubtless, observe, that the diabolical design of this law, is to obtain possession of the *New-Hampshire* grants, or to make the people that defend them, out-laws, and so kill them whenever they can catch them.

Those bloody law-givers know we are necessitated to oppose their execution of law, where it points directly at our property, or give up the same: but there is one thing is matter of consolation to us, viz. that printed sentences of death will not kill us when we are at a distance; and if the executioners approach us, they will be as likely to fall victims to death as we: and that person, or country of persons, are cowards indeed, if they cannot, as manfully, fight for their liberty, property and life, as villains can do to deprive them thereof.

The *New-York* schemers accuse us with many things; part of which are true, and part not.——With respect to rescuing prisoners for debt, it is *false*. As to assuming judicial powers, we *have not*, except a well-regulated combination of the people to defend their just rights, may be called so. As to forming ourselves into military order, and assuming military commands, the *New-York* possies, and military preparations, oppressions, &c. *obliged us to it.* Probably Messieurs *Duane*, *Kemp*, and *Banyar*, of *New-York*, will not discommend us for so expedient a preparation; more especially since the decrees of the 9th of *March*, are yet to be put in execution: and we flatter ourselves, upon occasion, we can muster as good a regiment of mark's-men and scalpers, as *America* can afford; and we now give the gentlemen above-named, together with Mr. *Brush*, and Col. *Ten Broeck*, and in fine, all the land-jobbers of *New-York*, an invitation to come and view the dexterity of our regiment; and we cannot think of a better time for that purpose, than when the executioners come to kill us, by virtue of the authority their judges have lately received to award and sentence us to death in our absence. There is still one more notable complaint against us, viz. That we have insulted and menaced several magistrates, and other civil officers, so that they dare not execute their respective functions. This is *true*, so far as it relates to the magistrates. But the public should be informed, what the functions of those magistrates are:—they are commissioned for the sole purpose of doing us all the harm and mischief they possibly can, through their administration and influence; and that they might be subservient to the wicked designs of the *New-York* schemers. These are their functions; and the public need no further proof than the consideration that they are the tools of those extravagant law-makers; and it must be owned, they acted with great judgment, in choosing the most infernal instruments for their purpose.

Draco, the *Athenian* law-giver, caused a number of laws, (in many respects analogous to those we have been speaking of,) to be *written* in blood. But our modern *Draco's* determine to have their's *verified* in blood. They well know we shall, more than *three*, nay, more than *three times three hundred*, assemble together, if need be, to maintain our common cause, till his Majesty determines who shall be and remain the owners of the land in contest. "*Wilt not thou possess that which Chemoth, thy God, giveth thee to possess?*" So will we possess that which the Lord our God (and King) giveth us to possess.

And lastly, we address ourselves to the people of the counties of *Albany* and *Charlotte*, which inhabit to the westward of, and are situated contiguous to, the *New-Hampshire* grants.

GENTLEMEN, FRIENDS AND NEIGHBOURS,

Providence having alloted and fixed the bounds of our habitations in the same vicinity, which, together with the intercourse of trade and commerce, hath formed an almost universal acquaintance and tie of friendship between us, and hath laid such a foundation of knowledge, that your people, in general, cannot but be sensible that the title of our land is, in reality, the bone of contention; and that, as a people, we behave ourselves orderly; and are industrious, and honestly disposed; and pay just deference to order and good government; and that we mean no more by that which is called the MOB, but to defend our just rights and properties. We appeal to the gentlemen merchants, to inform whether our people in general, do not exert themselves to pay their just debts; and whether ever they have been hindered by the country's MOB, in the collection of their dues. But as the magistrates, sheriffs, under sheriffs, coroners, and constables, of the respective counties, that hold their posts of honor and profit under our bitter enemies, we have a jealousy, that some of them may be induced (to recommend themselves to those on whom they are dependant, and for the wages of unrighteousness, offered by proclamation) to presume to apprehend some of us, or our friends: We therefore, advertise such officers, and all persons whatsoever, that we are resolved to inflict *immediate death* on whomsoever may attempt the same. And provided any of us or our party shall be taken, and we have not notice sufficient to relieve them, or whether we relieve them or not, we are resolved to surround such person or persons, whether at his or their own house or houses, or any where that we can find him or them, and *shoot such person or persons dead*. And furthermore, that we will *kill* and *destroy* any person or persons whomsoever, that shall *presume* to be accessary, aiding or assisting in taking any of us as aforesaid; for by these presents we give any such disposed person or persons to understand, that, although they have a licence by the law aforesaid, to *kill* us; and an "indemnification" for such murder from the same authority; yet they have no indemnification for so doing, from the *green mountain boys*; for our lives, liberties and properties, are as verily precious to us, as to any of the King's subjects; and we are as loyal to his Majesty or his government, as any subjects in the Province: but, if the governmental authority of *New-York* will judge in their own case, and act in opposition to that of *Great-Britain*, and insist upon *killing* us, to take possession of our "vineyards"—come on, we are ready for a game of scalping with them; for our martial spirits glow with bitter indignation, and consumate fury, to blast their infernal projections.

It may be, the reader, not having seen the law referred to in this piece, and not being thoroughly acquainted with the long and spirited conflict that hath subsisted between the claimants under *New-Hampshire* and *New-York*, nor of the progressive, arbitrary, and monopolizing disposition of the court party of the latter of those Provinces; may be apt to imagine that the spirit of this writing is too severe, inasmuch as it destines whoever presumes to take us as felons or rioters, to immediate death; but let the wise consider the state of the cause.

1. Provided we on our part be taken, we have by them laws the sentence of death already pronounced against us, on proviso more than three of us assemble together to maintain and defend our property, till his Majesty determines the controversy. And,

2. May it be considered, that the legislative authority of the Province of *New-York* had no constitutional right or power to make such laws; and consequently, that they are null and void, from the nature and energy of the *English* constitution; therefore as they merit no place among the laws of the realm of *Great-Britain*, but are the arbitrary league and combination of our bitter and merciless enemies, who, to obtain our property, have inhumanly, barbarously, and maliciously, under the specious and hypocritical pretence of legal authority, and veneration for order and government, laid a snare for our lives; can the public censure us for exerting ourselves nervously to preserve our lives, in so critical a situation? For by the laws of the Province, into which we are unfortunately fallen, we cannot be protected in either property or life, except we give up the former to secure the latter; so we are resolved to maintain both, or to hazard or loose both.

From hence follows a necessary inference, That inasmuch as our property, nay, our lives, cannot be protected (but manifestly struck at) by the highest authority in the Province to which we, at present, belong; therefore, in the interim, while his Majesty is determining the controversy, and till he shall interpose his royal authority, and subject the authority aforesaid to their duty, or re-annex the district of disputed lands to the Province of *New-Hampshire*, or some way, in his great wisdom, and fatherly clemency, put the distressd settlers under *New-Hampshire*, on an equal footing with our brother subjects in his realm; we are under necessity of resisting, even unto blood, every person who may attempt to take us as felons or rioters as aforesaid; for in this case it is not resisting law, but only opposing force by force; therefore, inasmuch as by the oppresssions aforesaid, the *New-Hampshire* settlers are reduced to the disagreeable state of anarchy and confusion; in which state we hope for wisdom, patience and fortitude, till the happy hour his Majesty shall graciously be pleased to restore us to the privileges of *Englishmen*.

Signed by
ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCKRAN,
PELEG SUNDERLAND,
JOHN SMITH,
SILVANUS BROWN.

Bennington, April 26, 1774.

The following lines, composed by Thomas Rowley, distinguished, in *those days*, for wit and poetry, appear to have been annexed to the foregoing.

"When *Cæsar* reigned King at *Rome*
St. *Paul* was sent to hear his doom;
But *Roman* laws, in a criminal case,
Must have the accuser face to face,
Or *Cæsar* gives a flat denial.——
But here's a law made now of late,
Which destines men to awful fate,
And hangs and damns without a trial.
Which made me view all nature through,
To find a law where men were ti'd,
By legal act which doth exact
Men's lives before they're try'd.
Then down I took the sacred book,
And turn'd the pages o'er,
But could not find one of this kind,
By God or man before."

While this controversy was thus advancing, with fearful progress, to a state of general war, the contest between Great-Britain and her American Colonies, was approaching an alarming crisis. So threatening had become its aspect, that measures were taken for convening a continental Congress; and, accordingly, Delegates from twelve of the Colonies met, at Philadelphia, on the 5th of September, 1774.

The meeting of this Congress was followed by an almost universal suspension of the royal authority in the Colonies; and "the courts of justice were either shut up, or adjourned, without doing any business."* The first interruption of this kind, in the Colony of New-York, happened in the County of Cumberland,† on the New-Hampshire grants. "The stated session of the Court, for that County, was to have been holden, at Westminster, on the 13th of March, 1775."‡ The day arrived, the Court convened, and the populace assembled. The scene that followed, is described in the following document.

"*A relation of the proceedings of the people of the County of Cumberland, and Province of New-York.*

In June, 1774, there were some letters came to the supervisors of said county, from the committee of correspondence at New-York, signed by their chairman, Mr. Low; which letters said supervisors, through ignorance or intention, kept until September, when they had another meeting; and it is supposed that they intended always to have kept them, and the good people would have remained in ignorance about them until this time, had it not been by accident that it was whispered abroad, so that Dr. Reuben Jones of Rockingham, and Capt. Azariah Wright of Westminister heard of it, and took proper care to notify those towns. A meeting was called in the two towns aforesaid, and a committee was chosen by each town, to wait on the supervisors, at their meeting in September, to see if there were any papers that should be laid before the several towns in the county; and they found that there were papers come from the committee of correspondence, that should have been laid before the towns in June. The supervisors made many excuses for their conduct: some plead ignorance, and some one thing, and some another: but the most of them did seem to think, that they could send a return to the committee at New-York, without ever laying them before their constituents; which principle, at this day, so much prevails, that it is the undoing of the people. Men, at this day, are so tainted with the principles of tyranny, that they would fain believe, that as they are chosen by the people to any kind of office, for any particular thing, that they have the sole power of that people by whom they are chosen, and can act in the name of that people in any matter or thing, though it is not in any connection with what they were chosen for. But the committees would not consent to have a return made, until every town in the county, had Mr. Low's letters laid before them; which was done, and a county congress was called; return was made, a committee was chosen to see that it was put in print; but, through interest, or otherwise, it never was published in any of the papers.

Immediately after, the people of the county aforesaid received the resolves of the continental congress. They called a county congress, and did adopt all the resolves of the continental congress as their resolves, promising religiously to adhere to that agreement or association. There was a committee of inspection moved for, to be chosen by the county, according to the second resolve of the association aforesaid: but being much spoken against by a justice and an attorney, and looked upon by them as a childish, impertinent thing, the delegates dared not choose one. At this time there were tory parties forming, although they were under disguise; and had laid a plan to bring the lower sort of the people into a state of bondage and slavery. They saw that there was no cash stirring, and they took that opportunity to collect debts, knowing that men had no other way to pay them, than by having their estates taken by execution, and sold at vendue. There were but very few men among us that were able to buy; and those men were so disposed, that they would take all the world into their own hands, without paying any thing for it, if they could, by law; which would soon bring the whole country into slavery. Most, or all of our men in authority, and all that wanted court favours, seemed much enraged, and stirred up many vexatious law-suits, and imprisoned many, contrary to the laws of this province, and the statutes of the crown. One man they put into close prison for high treason; and all that they proved against him, was, that he said if the King had signed the Quebec bill, it was his opinion that he had broke his coronation-oath. But the good people went and opened the prison door and let him go, and did no violence to any man's person or property.

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* Williams' history.

† The government of New-York had divided the grants on the east side of the Mountain, into two Counties—Cumberland, at the south, and Gloucester, at the north.

‡ Williams' history.

Our men in office would say that they did like the resolutions of the continental congress, and they ought to be strictly adhered to, until our general assembly voted against them. Then they said, that this would do for the Bay-Province, but it was childish for us to pay any regard to them. Some of our court would boldly say, that the King had a just right to make the revenue-acts, for he had a supreme power; and he that said otherwise was guilty of high treason, and they did hope that they would be executed accordingly. The people were of opinion that such men were not suitable to rule over them: and, as the general assembly of this Province would not accede to the association of the continental congress, the good people were of opinion, that if they did accede to any power from or under them, they should be guilty of the breach of the 14th article of that association, and may justly be dealt with, accordingly, by all America. When the good people considered that the general assembly were for bringing them into a state of slavery, (which did appear plain by their not acceding to the best method to procure their liberties, and the executive power so strongly acquiescing in all that they did, whether it was right or wrong;) the good people of said county thought it time to look to themselves. And they thought that it was dangerous to trust their lives and fortunes in the hands of such enemies to American liberty; but more particularly unreasonable that there should be any court held; since, thereby, we must accede to what our general assembly had done, in not acceding to what the whole continent had recommended; and that all America would break off all dealings and commerce with us, and bring us into a state of slavery at once. Therefore in duty to God, ourselves, and posterity, we thought ourselves under the strongest obligations to resist and to oppose all authority that would not accede to the resolves of the continental congress. But knowing that many of our court were men that neither feared or regarded men, we thought that it was most prudent to go and persuade the judges to stay at home. Accordingly there were about forty good true men went from Rockingham to Chester, to dissuade Col. Chandler, the chief judge, from attending court. He said he believed it would be for the good of the county not to have any court, as things were: but there was one case of murder that they must see to, and if it was not agreeable to the people, they would not have any other case. One of the committee told him that the sheriff would raise a number with arms, and that there would be bloodshed. The Colonel said that he would give his word and honour that there should not be any arms brought against us; and he would go down to court on Monday the 13th of March inst., which was the day that the court was to be opened. We told him that we would wait on him, if it was his will. He said, that our company would be very agreeable; likewise he returned us his hearty thanks for our civility, and so we parted with him.

We heard from the southern part of the state, that Judge Sabin was very earnest to have the law go on, as well as many petty officers. There were but two judges in the county at that time, Col. Wells being gone to New-York. There was a great deal of talk in what manner to stop the court; and at length it was agreed on to let the court come together, and lay the reasons we had against their proceeding, before them, thinking they were men of such sense that they would hear them. But on Friday, we heard that the court was going to take the possession of the house on the 13th inst., and to keep a strong guard at the doors of said house, that we could not come in. We being justly alarmed by the deceit of our court, though it was not strange, therefore we thought proper to get to court before the armed guards were placed; for, we were determined that our grievances should be laid before the court, before it was opened. On Monday, the 13th of March inst., there were about 100 of us entered the court-house, about four o'clock in the afternoon. But we had but just entered, before we were alarmed by a large number of men, armed with guns, swords, and pistols. But we, in the house, had not any weapons of war among us, and were determined that they should not come in with their weapons of war, except by the force of them.

Esq. Patterson came up at the head of his armed company, within about five yards of the door, and commanded us to disperse; to which he got no answer. He then caused the King's Proclamation to be read, and told us, that if we did not disperse in fifteen minutes, by G—d he would blow a lane through us. We told him that we would not disperse. We told them that they might come in, if they would unarm themselves, but not without. One of our men went out at the door, and asked them if they were come for war; told them that we were come for peace, and that we should be glad to hold a parley with them. At that, Mr. Gale, the clerk of the court, drew a pistol, held it up, and said, d—n the parley with such d——d rascals as you are; I will hold no parley with such d——d rascals, but by this,—holding up his pistol. They gave us very harsh language, told us we should be in hell before morning; but, after a while, they drew a little off from the house, and seemed to be in a consultation. Three of us went out to treat with them; but the most, or all, that we could get from them, was, that they would not talk with such d——d rascals as we were; and we soon returned to the house, and they soon went off.

Col. Chandler came in, and we laid the case before him, and told him that we had his word that there should not be any arms brought against us. He said that the arms were brought without his consent, but he would go and take them away from them, and we should enjoy the house undisturbed until morning; and that the court should come in the morning without arms, and should hear what we had to lay before them; and then he went away. We then went out of the house and chose a committee, which drew up articles to stand for, and read them to the company; and they were voted *nem. con. dis.* and some of our men went to the neighbours, and as many as the court and their party saw, they bound.

About midnight, or a little before, the sentry, at the door, espyed some men with guns, and he gave the word to man the doors, and the walk was crowded. Immediately, the sheriff and his company marched up fast, within about ten rods of the door, and then the word was given, take care, and then, fire. Three fired immediately. The word fire was repeated; G—d d—n you fire, send them to hell, was most or all the words that were to be heard for some time: on which, there were several men wounded; one was shot with four bullets, one of which went through his brain, of which wound he died next day. Then they rushed in with their guns, swords, and clubs, and did most cruelly mammoc several more; and took some that were not wounded, and those that were, and crowded them all into close prison together, and told them that they should all be in hell before the next night, and that they did wish that there were forty more in the same case with that dying man. When they put him into prison, they took and dragged him as one would a dog; and would mock him as he lay gasping, and make sport for themselves, at his dying motions. The people that escaped took prudent care to notify the people in the county, and also in the government of New-Hampshire, and the Bay; which being justly alarmed at such an unheard of and aggravated piece of murder, did kindly interpose in our favour.

On Tuesday the 14th inst. about 12 o'clock, nearly 200 men, well armed, came from New-Hampshire government; and before night there were several of the people of Cumberland county returned, and took up all they knew of, that were in the horrid massacre, and confined them under a strong guard; and afterwards they confined as many as they could get evidence against, except several that did escape for their lives. On the 15th inst. the body formed, chose a moderator and clerk, and chose a committee to see that the coroner's jury of inquest were just, impartial men; which jury on their oath did bring in, that W. Patterson, &c. &c. did, on the 13th March inst., by force and arms, make an assault on the body of William French, then and there lying dead, and shot him through the head with a bullet, of which wound he died, and not otherwise. Then, the criminals were confined in close prison, and, on the evening of the same day, and early the next morning, a large number came from the southern part of the county of Cumberland, and the Bay Province. It is computed, that in the whole, there were 500 good martial soldiers, well equipped for war, that had gathered. On the 16th inst. the body assembled; but being so numerous that they could not do business, there was a vote passed, to choose a large committee to represent the whole, and that this committee should consist of men who did not belong to the county of Cumberland, as well as of those that did belong thereto; which was done. After the most critical and impartial examination of evidence, voted, that the heads of them should be confined in Northampton jail, till they could have a fair trial; and those that did not appear so guilty, should be under bonds, holden to answer at the next court of oyer and terminer in the county aforesaid; which was agreed to. On the 17th inst. bonds were taken for those that were to be bound, and the rest set out under a strong guard for Northampton.

We, the committee aforesaid, embrace this opportunity to return our most grateful acknowledgments and sincere thanks to our truly wise and patriotic friends in the government of New-Hampshire and the Massachusetts-Bay, for their kind and benevolent interposition in our favour, at such a time of distress and confusion aforesaid; strongly assuring them, that we shall be always ready for their aid and assistance, if by the dispensations of divine providence, we are called thereto.

Signed by order of the Committee.

REUBEN JONES, *Clerk.*

Cumberland County, March 23d, 1775.

Hitherto, the opposition to the claims of New-York had been confined, principally, to the inhabitants on the western side of the mountains. Many of the New-Hampshire grantees, in the vicinity of Connecticut River, had surrendered their original charters, and taken new grants under the authority of New-York; and had, not only submitted, quietly, to the jurisdiction of that colony, but stood unconcerned spectators of the controversy in which the settlers, on the western grants, were so deeply involved.

They were not, however, indifferent to the policy pursued by Great Britain towards her American Colonies. Most of the settlers, on the New-Hampshire grants, were emigrants from Massachusetts and Connecticut; and readily sympathised in the feelings which pervaded those Colonies; and which, at this period, were spreading, with an astonishing rapidity, through every part of the country. The Provincial Assembly of New-York had withholden its approbation of the measures recommended by the Continental Congress; while those measures had received the sanction of every other Colony.

These causes, as has been seen in the document just recorded, led the way to an event, which roused a spirit of opposition to New-York, on the eastern side of the mountains. The massacre (as it was called) of the 13th of March, electrified the whole county of Cumberland: and, as if to give a new impulse to the opposition in that quarter, "the principal persons engaged in that massacre, and who had been confined in the jail at Northampton, were released, on application to the chief justice of New-York."*

This train of events produced, at length, a general disposition to resist the administration of the government of New-York;—as will appear by the following proceedings.

AT a meeting of Committees appointed by a large body of inhabitants on the east side of the range of Green Mountains, held at Westminster, on the 11th day of April, 1775.

1. VOTED, That Major Abijah Lovejoy be the Moderator of this meeting.

2. VOTED, That Dr. Reuben Jones be the Clerk.

3. VOTED, as our opinion, That our inhabitants are in great danger of having their property unjustly, cruelly, and unconstitutionally taken from them, by the arbitrary and designing administration of the government of New-York; sundry instances having already taken place.

4. VOTED, as our opinion, that the lives of those inhabitants are in the utmost hazard and imminent danger, under the present administration. Witness the malicious and horrid massacre of the night of the 13th ult.

5. VOTED, as our opinion, That it is the duty of said inhabitants, as predicated on the eternal and immutable law of self-preservation, to wholly renounce and resist the administration of the government of New-York, till such time as the lives and property of those inhabitants may be secured by it; or till such time as they can have opportunity to lay their grievances before his most gracious Majesty in Council, together with a proper remonstrance against the unjustifiable conduct of that government; with an humble petition, to be taken out of so oppressive a jurisdiction, and, either annexed to some other government, or erected and incorporated into a new one, as may appear best to the said inhabitants, to the royal wisdom and clemency, and till such time as his Majesty shall settle this controversy.

6. VOTED, That Colonel John Hazeltine, Charles Phelps, Esq. and Colonel Ethan Allen, be a Committee to prepare such remonstrance and petition for the purpose aforesaid.

It is difficult to conjecture what would have been the issue of this controversy, had not its progress been suddenly arrested by the commencement of the revolutionary war. The events of the memorable 19th of April, 1775, produced a shock, which was felt to every extremity of the colonies: and "local and provincial contests were, at once, swallowed up by the novelty, the grandeur, and the importance of the contest thus opened between Great-Britain and America."†

The commencement of the war, at this period, led to a train of causes, intimately connected with the final independence of Vermont. The attention of New-York was suddenly diverted from the subject of its particular controversy, to the higher one, involving the independence of the whole American community; while the final result of the former was necessarily thrown forward to a more distant period. The New-Hampshire grantees did not fail to profit by this delay. While they never, for a moment, lost sight of the object for which they had so long contended, they improved the delay, in the cultivation of a more perfect union, and in a better organization of their strength; while a violent, irritable state of publick feeling, ill calculated to sustain a long conflict, gradually settled down into a more deliberate, but not less decided, hostility to the claims of New-York.

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* Williams' history.

† Williams' history.

In this state of things, the inhabitants on the grants soon began to feel their importance; and this feeling was not a little strengthened by the signal exploit,* which has given the brave Allen and his companions in arms, so distinguished a place in the annals of the revolution. Their frontier situation peculiarly exposed them to the depredations of the enemy. Their own immediate safety, therefore, as well as a strong sympathy in the general hostility to the mother country, led them to take an early, and a distinguished part in the common cause.

With New-York, however, they were determined to have no immediate connection, even in the common defence. Accordingly, on the 17th of January, 1776, the following petition was forwarded to the Continental Congress.

To the Honourable JOHN HANCOCK, Esq. President of the Honourable Continental Congress, &c. &c. now assembled at Philadelphia.

The humble petition, address, and remonstrance of that part of America, being situate south of Canada line, west of Connecticut River, north of the Massachusetts-Bay, and east of a twenty mile line from Hudson's River; commonly called and known by the name of the New-Hampshire grants,

HUMBLY SHEWETH,

That your honours petitioners, being fully sensible and deeply affected with the very alarming situation in which the United Colonies are involved, by means of a designing ministry, who have flagrantly used, and are still using their utmost efforts to bring the inhabitants of the very extensive continent of America into a base and servile subjection to arbitrary power, contrary to all the most sacred ties of obligation by covenant, and the well known constitution by which the British empire ought to be governed. Your petitioners, not to be prolix or waste time, when the whole continent are in so disagreeable a situation, would, however, beg leave to remonstrate, in as short terms as possible, the very peculiar situation in which your petitioners have, for a series of years, been exercised, and are still struggling under. Perhaps your honours, or, at least, some of you, are not unacquainted, that at the conclusion of the last war, the above described premises which your petitioners now inhabit, was deemed and reputed to be in the province of New-Hampshire, and consequently, within the jurisdiction of the same; whereupon, applications were freely made to Benning Wentworth, Esq. then governor of the province of New-Hampshire, who, with the advice of his council, granted, under the great seal of said province, to your honours petitioners, a large number of townships of the contents of six miles square, each; in consequence of which, a great number of your petitioners, who were men of considerable substance, disposed of their interest in their native places, and, with their numerous families, proceeded, many of them, two hundred miles, encountering many dangers, fatigues, and great hardships, to inhabit a desolate wilderness, which is now become a well settled frontier to three governments. This was not at all our trouble; for, soon after the commencement of those settlements, the monopolizing land-traders of New-York, being apprised that the province of New-Hampshire had granted the said lands, and that settlements were actually making, did present a petition, as we have often heard, and verily believe, in your petitioners names, praying, that the same lands, granted by New-Hampshire, might be annexed to the province of New-York, on account of its local and other circumstances, for the benefit of the inhabitants. Your petitioners, not being apprised of the intrigue, in this case, were mute. Therefore, as no objection was made why the prayer of the petition should not be granted, his Majesty was pleased, with advice of council, on the 24th day of July, 1764, to grant the same. Immediately after, the land-traders of New-York petitioned the then governor of that province for grants of lands, some part of which had been previously granted to your petitioners, by the governor and council of New-Hampshire. The dispute then became serious. Your petitioners then petitioned his Majesty for relief in the premises. His Majesty was pleased to appoint a Committee, who reported to his Majesty in the premises, and his Majesty was pleased to pass order in the following words:

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*The surprise and capture of the Fort at Tyconderoga, on the 9th of May, 1775.

At a Court at St. James's, the 24th day of July, 1767.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

Archbishop of Canterbury,	*Earl of Shelburne,*
Lord Chancellor,	*Viscount Falmouth,*
Duke of Queensbury,	*Viscount Barrington,*
Duke of Ancaster,	*Viscount Clarke,*
Lord Chamberlain,	*Bishop of London,*
Earl of Litchfield,	*Mr. Secretary Conway,*
Earl of Bristol,	*Hans Stanly, Esq.*

His Majesty, taking the said report into consideration, was pleased, with the advice of his privy-council, to approve thereof; and doth hereby strictly charge, require, and command, that the governor, or commander in chief, of his Majesty's province of New-York, for the time being, do not, upon pain of his Majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his Majesty's further pleasure should be known concerning the same.

WILLIAM SHARP.

A True Copy, (attest.) **GEO. BANYAR**, *Dep. Sec'ry.*

The many intervening and unhappy disputes which have since happened between those land-traders of New-York and your petitioners, would take up too much time, under the present situation of public affairs, to recite; as Capt. Heman Allen and Dr. Jonas Fay, who we have appointed to present this to your honours, will be furnished therewith, should they find your honours admittance, and such particulars be thought necessary. Let it suffice here, only to mention, that the oppressions from these overgrown land-traders of New-York were so grievous, that your petitioners were again induced, at a great expence, to petition his Majesty; in consequence of which, a committee was appointed, and made a report in favour of your petitioners, which is too prolix to be inserted here.* We are called on, this moment, by the Committee of safety for the county of Albany, to suppress a dangerous insurrection in Tryon county. Upwards of ninety soldiers were on their march, within twelve hours after their receiving the news; all inhabitants of one town, inhabited by your petitioners, and all furnished with arms, ammunition, accoutrements, and provisions, &c. Again, we are alarmed by express from gen. Wooster, commanding at Montreal, with the disagreeable news of the unfortunate attack on Quebec, (unfortunate indeed, to lose so brave a commander) requiring our immediate assistance by troops; in consequence of which a considerable number immediately marched for Quebec, and more are daily following their example.

Yet, while we, your petitioners, are thus earnestly engaged, we beg leave to say we are entirely willing to do all in our power in the general cause, under the continental congress, and have been, ever since the taking Tyconderoga, &c. in which your petitioners were principally active, under Col. Ethan Allen; but are not willing to put ourselves under the honourable provincial congress of New-York, in such a manner as might, in future, be detrimental to our private property; as the oath to be administered to those who are, or shall be, entrusted with commissions from said congress, and the association agreed upon by the same authority, together with some particular restrictions and orders for regulating the militia of said province, if conformed to by the inhabitants of said New-Hampshire grants, will, as we apprehend, be detrimental to your petitioners, in the determination of the dispute now subsisting between said inhabitants and certain claimants under said province of New-York; and that your petitioners' ardent desires of exerting themselves in the present struggle for freedom may not be restrained, and that we might engage in the glorious cause, without fear of giving our opponents any advantage in the said land dispute now subsisting, which we would wish should lie dormant, until a general restoration of tranquility shall allow us the opportunity for an equitable decision of the same. Another reason that much hinders our joining hand and hand with New-York government, in the general cause, is, they will not own us in our property; but, on the contrary, the judges of the supreme court for said province have expressely declared the charters of our lands, deeds, &c. to be null and void. Therefore, we, your honours humble petitioners, most earnestly pray your honours to take our case into your wise consideration, and order, that, for the future, your petitioners shall do duty in the continental service, if required, as inhabitants of said New-Hampshire grants, and not as inhabitants of the province of New-York, or subject to the limitations, restrictions, or regulations of the militia of said province; and that commissions, as your honours shall judge meet, be granted accordingly:—and, as in duty bound, your honours petitioners shall ever pray.

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* For this report, see page 33.

At a meeting of the representatives of the different towns on the New-Hampshire grants, legally warned and convened, at the house of Cephas Kents, inn-holder in Dorset, on the 16th day of January, 1776; Capt. Joseph Woodward, chairman, Dr. Jonas Fay, clerk.——This meeting, after due consideration, agreed to prefer to the honourable continental congress a humble petition, setting forth the peculiar circumstances of this part of the country. Accordingly a Committee was appointed to draw up the same, who drew up the foregoing, and reported to the house in the evening. The clerk read the same in his place, and afterwards delivered it in at the table. The house adjourned till to-morrow, nine of the clock, 17th January. Met according to adjournment; the said petition being a second time read, was agreed to by the whole house. Then Lieut. James Brakenridge and Capt. Heman Allen were nominated to prefer the said petition: the vote was called; passed in the affirmative *nem. con.* Then Dr. Jonas Fay was nominated; the vote called, passed in the affirmative *nem. con.*

JOSEPH WOODWARD, *Chairman.*
(A True Copy) JONAS FAY, *Clerk.*

The following are the resolutions of Congress, on the subject of the foregoing petition.

"The Committee, to whom the petition, address, and remonstrance of persons inhabiting that part of America, which is commonly called and known by the name of the New-Hampshire grants, was referred, have examined the matter thereof, and come to the following resolution thereupon:

Resolved, That it is the opinion of this Committee, that it be recommended to the petitioners, for the present, to submit to the government of New-York, and contribute their assistance, with their countrymen, in the contest between Great-Britain and the United Colonies; but that such submission ought not to prejudice the right of them or others to the lands in controversy, or any part of them; nor be construed to affirm or admit the jurisdiction of New-York in and over that country; and when the present troubles are at an end, the final determination of their right may be mutually referred to proper judges.

In Congress, June 4th, 1776.

Resolved, That Heman Allen have leave to withdraw the petition by him delivered in behalf of the inhabitants of the New-Hampshire grants, he representing that he has left at home some papers and vouchers, necessary to support the allegations therein contained.

Extracts from the minutes,

THO. EDISON, *for*
CHAS. THOMPSON, *Sec'y.*

Hitherto, the settlers, on the New-Hampshire grants, not having been recognized by the crown as holding a separate jurisdiction, nor invested with separate powers, had not enjoyed the benefit of a regular organization, under which they could act with system and effect. They, therefore, had no rallying point, and no bond of union, save a common interest to resist the claims of New-York. The same necessity, however, which drove them to resistance, operated to give the effect of law, to the recommendations of their committees and conventions; while a few bold, daring spirits, as if formed for this very occasion, gave impulse and energy and system to their operations. A better organization was obviously needed, to sustain a protracted conflict.

Thus situated were the people on the grants, when Congress, on the 4th of July, 1776, published to the world, the memorable declaration of American Independence. By the sudden change thus produced in the relations between Great-Britain and her Colonies, the New-Hampshire grantees were left in a situation, somewhat peculiar. They had, as we have seen, originally purchased their lands under royal grants from the Governor of New-Hampshire. New-York claimed the jurisdiction, and the right of soil. The settlers had petitioned the crown for redress; and while they were encouraged with indications of a decision favorable to their claims, the connexion between the crown and the contending parties was suddenly dissolved. There no longer remained, therefore, any earthly power, recognized by the parties as a *superior*, possessing the right of deciding the controversy.

This state of things could not fail to suggest to the settlers, the right and expediency of declaring themselves independent. Having never submitted to the claims of New-York, and no longer acknowledging allegiance to the crown, they considered that the time had arrived when a regard to their own safety required, and justice sanctioned, their assumption of the powers of self-government.

To ascertain the state of publick sentiment on this subject, measures were taken for calling a convention. Circular letters were addressed to the different towns, and delegates were appointed; who met at Dorset, on the 24th of July, 1776. There are no documents to be found, which furnish a particular account of the proceedings at this meeting. It was adjourned to the 25th of September following; when it again met, at the same place. The following document furnishes an account of the proceedings.

NEW-HAMPSHIRE GRANTS.

CEPHAS KENT'S, *Dorset, September* 25, 1776.

At a general convention of the several delegates from the towns on the west side of the range of Green Mountains, the 24th day of July last, consisting of fifty one members, representing thirty-five towns, and holden this day by adjournment, by the representatives on the west and east side of the range of Green Mountains; the following members being present at the opening of the meeting, viz.

Capt. JOSEPH BOWKER, in the Chair—Dr. JONAS FAY, Clerk.

Towns.	*Delegates.*
Pownall,	Capt. Samuel Wright, Dr. Obadiah Dunham.
Bennington,	Mr. Sim. Hatheway, Dr. Jonas Fay, Capt. John Burnham, Nathan Clark, Esq. Maj. Sam. Safford, Col. Moses Robinson.
Shaftsbury,	Maj. Jeremiah Clark, John Burnham, sen.
Sunderland,	Lieut. Jos. Bradley, Col. Tim. Brownson,
Manchester,	Col. Wm. Marsh, Lieut. Martin Powell, Lieut. Gid. Ormsby.
Dorset,	Mr. John Manley, Mr. Abm. Underhill.
Rupert,	Mr. Reub. Harmon, Mr. Amos Curtis.
Pawlet,	Capt. Wm. Fitch, Maj. Roger Rose.
Wells,	Zaccheus Mallery, Ogden Mallery.

Towns.	*Delegates.*
Poultney,	Mr. Nehemiah How, Mr. Wm. Ward.
Castleton,	Capt. Jos. Woodward.
Bridport,	Mr. Samuel Benton.
Addison,	Mr. David Vallance.
Stanford,	Mr. Tho. Morgan.
Williston,	Col. Tho. Chittenden.
Colchester,	Lieut. Ira Allen.
Middlebury,	Mr. Gamaliel Painter.
Burlington,	Mr. Lemuel Bradley.
Neshobe,	Capt. Tim. Barker, Mr. Thomas Tuttle.
Rutland,	Capt. Joseph Bowker, Col. James Mead.
Wallingford,	Mr. Abm. Ives.
Tinmouth,	Capt. Eben. Allen, Maj. Tho. Rice.
Danby,	Capt. Micah Veal, Mr. Wm. Gage.
Panton,	Mr. John Gale.
Bromley,	Capt. Wm. Utly.

Col. Seth Warner and Capt. Heman Allen, present.

Members from the East side of the Green Mountain.

Towns.	*Delegates.*
Marlboro',	Capt. F. Whittemore.
Guilford,	Col. Benj. Carpenter, Maj. Jn. Shepherdson.
Windsor,	Mr. Eben. Hoisington.
Kent,	Mr. Edward Aikens, Col. James Rogers.

Towns.	*Delegates.*
Rockingham,	Dr. Reuben Jones.
Dummerston,	Mr. Joseph Hildrick, Lt. Leonard Spalding.
Westminster,	Mr. Joshua Webb, Nathan Robinson, Esq.
Hallifax,	Col. Benj. Carpenter.

Wilmington and Cumberland were represented by letters from some of the principal inhabitants.

VOTED, That the association, heretofore, entered into, and subscribed by the members of this convention, copies of which have been distributed in order to obtain signers to the same, should be returned to the clerk of this convention by the delegates to attend from each town, at their next session. It was also resolved by this convention, to take suitable measures, as soon as may be, to declare the New-Hampshire grants a free and separate district This vote passed without a dissenting voice. On the report of a sub-committee from this convention, consisting of seven members, amongst whom were Col. Thomas Chittenden, Dr. Jonas Fay, Ira Allen, and others, and which report was accepted by the convention, the following covenant or compact being drawn up by a committee, and exhibited in the following words, was unanimously agreed to by the convention, viz.

Whereas this convention has, for a series of years last past, had under their particular consideration the disingenuous conduct of the colony (now state) of New-York, towards the inhabitants of that district of land, commonly called and known by the name of the New-Hampshire grants, and the several illegal, unjustifiable, as well as unreasonable measures they have pursued, to deprive, by fraud, violence and oppression, the said inhabitants of their property, and in particular their landed interest; and whereas this convention have reason to expect a continuance of the same kind of disingenuity, unless some effectual measures be pursued to form the said district into a separate one from that of New-York.

And whereas it appears to this convention, that, for the foregoing reasons, together with the distance of road which lies between this district and New-York, that it will be very inconvenient for those inhabitants to associate or connect with New-York for the time being, either directly or indirectly.

Therefore this convention being fully convinced, that it is absolutely necessary that every individual in the United States of America should exert themselves to the utmost of their abilities in the defence of the liberties thereof; therefore, that this convention may the better satisfy the public of their punctual attachment to the said common cause at present, as well as heretofore, we do make and subscribe the following covenant, viz.

We, the subscribers, inhabitants of that district of land commonly called and known by the name of New-Hampshire grants, being legally delegated and authorised to transact the public and political affairs of the aforesaid district for ourselves and constituents, do solemnly covenant and engage, that, for the time being, we will strictly and religiously adhere to the several resolves of this or a future convention, constituted on said district by the free voice of the friends to American liberties, which shall not be repugnant to the resolves of the honourable the Continental Congress relative to the cause of America."

On the 15th of January, 1777, the Convention again met, at Westminster; and after much deliberation, came to the important resolution to declare the New-Hampshire grants a free and independent State. The following is a journal of the proceedings.

NEW-HAMPSHIRE GRANTS.

WESTMINSTER COURT-HOUSE, *January 15th*, 1777.

Convention opened according to adjournment. Present the following members:

Captain JOSEPH BOWKER, in the Chair.

1st. Voted Doctor REUBEN JONES, Clerk pro tempore.

Bennington,	Nathaniel Clark, Esq. Capt. John Burnham, Mr. Nathan Clark, jun.
Manchester,	Lieut. Martin Powell,
Castleton,	Captain John Hall,
Williston,	Col. Tho. Chittenden,
Colchester,	Captain Ira Allen,
Rutland,	Capt. Joseph Bowket, Captain Heman Allen,
Dummerston,	Lt. Leonard Spalding, Lt. Dennis Lockland,
Westminster,	Nathan. Robinson Esq. Mr. Joshua Webb,
Townshend,	Capt. Sam. Fletcher,
Chester,	Col. Thomas Chandler,
Rockingham,	Dr. Reuben Jones, Lieut. Moses Wright,
Windsor,	Mr. Eben. Hosington,
Hartford,	Mr. Stephen Tilden,
Woodstock,	Mr. Benj. Emmonds,
Norwich,	Maj. Tho. Moredock, Mr. Jacob Burton,
Pomfret,	By a letter from said town, voting for a new state.
Barnard,	By ditto and ditto.
Royalton,	By ditto and ditto.

2d. Voted to adjourn this convention to eight o'clock to morrow morning, at this place.

Thursday eight o'clock, convention opened according to adjournment. Major Joseph Williams, and lieutenant Nathaniel Selley, from Pownal, took their seats.

3d. Voted, That Doct. Reuben Jones, be an assistant clerk to Capt. Ira Allen, at this time being present.

4th. Voted, That Lieut. Leonard Spalding, Mr. Ebenezer Hosington, and Major Thomas Moredock, be a committee to examine into the numbers that have voted for the district of the New-Hampshire grants to be a separate state from New-York, and how many are known to be against it; and make report to this convention as soon as may be.

Report of said committee:—"We find by examination, that more than three fourths of the people in Cumberland and Gloucester counties that have acted, are for a new state; the rest we view as neuters.

By order of Committee,

EBENEZER HOSINGTON, *Chairman.*"

5th. Voted to adjourn this convention one hour, at this place. Convention opened at time and place.

6th. Voted, N. C. D. That the district of land commonly called and known by the name of New-Hampshire grants, be a new and separate state; and for the future conduct themselves as such.

7th. Voted, That Nathan Clark, Esq. Mr. Ebenezer Hosington, Capt. John Burnham, Mr. Jacob Burton, and Col. Thomas Chittenden, be a committee to prepare a draught for a declaration, for a new and separate state; and report to this convention as soon as may be.

8th. Voted, That Captain Ira Allen, Col. Thomas Chandler, Doctor Reuben Jones, Mr. Stephen Tilden, and Mr. Nathan Clark, jun. be a committee to draw a plan for further proceedings; and report to this convention as soon as may be.

9th. Voted to adjourn this convention to eight o'clock to-morrow morning, at this place.

Friday morning, convention opened according to adjournment. The committee appointed to bring in a draught of a declaration, setting forth the right the inhabitants of that district of land, commonly called and known by the name of the New-Hampshire grants, have, to form themselves into a state or independent government, do make the following report to the honorable convention convened at Westminster, January 15th, A. D. 1777, viz.

" To the honorable convention of representatives from the several towns on the west and east side of the range of Green Mountains, within the New-Hampshire grants, in convention assembled.

Your committee to whom was referred the form of a declaration, setting forth the right the inhabitants of said New-Hampshire grants have, to form themselves into a separate and independent state, or government, beg leave to report, viz.

Right 1. That whenever protection is withheld, no allegiance is due, or can of right be demanded.

2d. That whenever the lives and properties of a part of a community, have been manifestly aimed at by either the legislative or executive authority of such community, necessity requires a separation. Your committee are of opinion that the foregoing has, for many years past, been the conduct of the monopolizing land claimers of the colony of New-York; and that they have been not only countenanced, but encouraged, by both the legislative and executive authorities of the said state or colony. Many overt acts in evidence of this truth, are so fresh in the minds of the members, that it would be needless to name them.

And whereas the Congress of the several states, did, in said Congress, on the fifteenth day of May, A. D. 1776, in a similar case, pass the following resolution, viz. " *Resolved*, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government, sufficient to the exigencies of their affairs, has been, heretofore, established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general."—Your committee, having duly deliberated on the continued conduct of the authority of New-York, before recited, and on the equitableness on which the aforesaid resolution of Congress was founded, and considering that a just right exists in this people to adopt measures for their own security, not only to enable them to secure their rights against the usurpations of Great-Britain, but also against that of New-York, and the several other governments claiming jurisdiction in this territory, do offer the following declaration, viz.

" This convention, whose members are duly chosen by the free voice of their constituents in the several towns, on the New-Hampshire grants, in public meeting assembled, in our own names, and in behalf of our constituents, do hereby proclaim and publicly declare, that the district of territory, comprehending and usually known by the name and description of the New-Hampshire grants, of right ought to be, and is hereby declared forever hereafter to be considered, as a free and independent jurisdiction, or state; by the name, and forever hereafter to be called, known, and distinguished by the name of New-Connecticut, alias Vermont: And that the inhabitants that at present are, or that may hereafter become resident, either by procreation or emigration, within said territory, shall be entitled to the same privileges, immunities, and enfranchisements, as are allowed; and on such condition, and in the same manner, as the present inhabitants, in future, shall or may enjoy; which are, and forever shall be considered to be such priviliges and immunities to the free citizens and denizens, as are, or, at any time hereafter, may be allowed, to any such inhabitants of any of the free and independent states of America: And that such privileges and immunities shall be regulated in a bill of rights, and by a form of government, to be established at the next adjourned session of this convention."

10th. Voted, N. C. D. to accept of the above declaration.

"To the honorable the chairman and gentlemen of the convention, your committee appointed to take into consideration what is further necessary to be transacted at the present convention, beg leave to report, viz.

That proper information be given to the honorable Continental Congress of the United States of America, of the reasons, why the New-Hampshire grants have been declared a free state, and pray the said Congress to grant said state a representation in Congress; and that agents be appointed to transfer the same to Congress, or the committeee be filled up that are already appointed, and that a committee be appointed to draw the draught: That a committee of war be appointed on the east side of the mountains, to be in conjunction with the committee of war on the west side of the mountains, to act on all proper occasions: That some suitable measures be taken to govern our internal police for the time being, until more suitable measures can be taken: that some suitable way be taken to raise a sum of money, to defray the expences of the agents that are to go to Congress; and for printing the proceedings of the convention, which, we are of opinion, ought to be printed. All which is humbly submitted to the convention, by your committee.

By order of Committee,
THOMAS CHANDLER, *Chairman.*"

11th. Voted, N. C. D. to accept the above report.

Having made some other regulations, on January 22d, the convention adjourned to Windsor, to meet on the first Wednesday in June.

The Declaration and Petition of the Inhabitants of the New-Hampshire Grants, to Congress, announcing the District to be a Free and Independent State.

TO THE HONORABLE THE CONTINENTAL CONGRESS.

The declaration and petition of that part of North America, situate south of Canada line, west of Connecticut river, north of the Massachusetts Bay, and east of a twenty mile line from Hudson's river, containing about one hundred and forty four townships, of the contents of six miles square, each, granted your petitioners by the authority of New-Hampshire, besides several grants made by the authority of New-York, and a quantity of vacant land, humbly sheweth, That your petitioners, by virtue of several grants made them by the authority aforesaid, have, many years since, with their families, become actual settlers and inhabitants of the said described premises; by which it is now become a respectable frontier to three neighboring states, and is of great importance to our common barrier Tyconderoga; as it has furnished the army there with much provisions, and can muster more than five thousand hardy soldiers, capable of bearing arms in defence of American liberty:

That shortly after your petitioners began their settlements, a party of land-jobbers in the city and state of New-York, began to claim the lands, and took measures to have them declared to be within that jurisdiction:

That on the fourth day of July, 1764, the king of Great-Britain did pass an order in council, extending the jurisdiction of New-York government to Connecticut river, in consequence of a representation made by the late lieutenant governor Colden, that for the convenience of trade, and administration of justice, the inhabitants were desirous of being annexed to that state:

That on this alteration of jurisdiction, the said lieutenant governor Colden did grant several tracts of land in the above described limits, to certain persons living in the state of New-York, which were, at that time, in the actual possession of your petitioners; and under color of the lawful authority of said state, did proceed against your petitioners, as lawless intruders upon the crown lands in their province. This produced an application to the king of Great-Britain from your petitioners, setting forth their claims under the government of New-Hampshire, and the disturbance and interruption they had suffered from said post claimants, under New-York. And on the 24th day of July, 1767, an order was passed at St. James's, prohibiting the governors of New-York, for the time being, from granting any part of the described premises, on pain of incurring his Majesty's highest displeasure. Nevertheless the same lieutenant governor Colden, governors Dunmore and Tryon, have, each and every of them, in their respective turns of administration, presumed to violate the said royal order, by making several grants of the prohibited premises, and countenancing an actual invasion of your petitioners, by force of arms, to drive them off from their possessions.

The violent proceedings, (with the solemn declaration of the supreme court of New-York, that the charters, conveyances, &c. of your petitioners' lands, were utterly null and void) on which they were founded, reduced your petitioners to the disagreeable necessity of taking up arms, as the only means left for the security of their possessions. The consequence of this step was the passing twelve acts of outlawry, by the legislature of New-York, on the ninth day of March, 1774; which were not intended for the state in general, but only for part of the counties of Albany and Charlotte, viz. such parts thereof as are covered by the New-Hampshire charters.

Your petitioners having had no representative in that assembly, when these acts were passed, they first came to the knowledge of them by public papers, in which they were inserted. By these, they were informed, that if three or more of them assembled together to oppose what said assembly called legal authority, that such as should be found assembled, to the number of three or more, should be adjudged felons: And that, in case they or any of them, should not surrender himself or themselves to certain officers appointed for the purpose of securing them, after a warning of seventy days, that then it should be lawful for the respective judges of the supreme court of the province of New-York, to award execution of *Death*, the same as though he or they had been attainted before a proper court of judicatory. These laws were evidently calculated to intimidate your petitioners into a tame surrender of their rights, and such a state of vassalage, as would entail misery on their latest posterity.

It appears to your petitioners, that an infringement on their rights, is still meditated by the state of New-York; as we find that in their general convention at Harlem, the second day of August last, it was unanimously voted, "That all quit-rents, formerly due and owing to the crown of Great-Britain within this state, are now due and owing to this convention, or such future government as may hereafter be established in this state."

By a submission to the claims of New-York your petitioners would be subjected to the payment of two shillings and six pence sterling on every hundred acres annually; which, compared with the quit-rents of Livingston's Phillips's, and Ransalear's manors, and many other enormous tracts in the best situations in the state, would lay the most disproportionate share of the public expense on your petitioners, in all respects the least able to bear it.

The convention of New-York have now nearly completed a code of laws, for the future government of that state; which, should they be attempted to be put in execution, will subject your petitioners to the fatal necessity of opposing them by every means in their power.

When the declaration of the honorable the Continental Congress, of the fourth of July last past, reached your petitioners, they communicated it throughout the whole of their district; and being properly apprized of the proposed meeting, delegates from the several counties and towns in the district, described in the preamble to this petition, did meet at Westminster in said district, and after several adjournments for the purpose of forming themselves into a distinct and separate state, did make and publish a declaration, "that they would, at all times thereafter, consider themselves as a free and independent state, capable of regulating their own internal police, in all and every respect whatsoever; and that the people, in the said described district, have the sole, exclusive right of governing themselves in such a manner and form, as they, in their wisdom, should choose; not repugnant to any resolves of the honorable the Continental Congress." And for the mutual support of each other in the maintenance of the freedom and independence of said district or separate state, the said delegates did jointly and severally pledge themselves to each other, by all the ties that are held sacred among men, and resolve and declare that they were at all times ready, in conjunction with their brethren of the United States, to contribute their full proportion towards maintaining the present just war against the fleets and armies of Great-Britain.

To convey this declaration and resolution to your honorable body, the grand representative of the United States, were we (your more immediate petitioners) delegated by the united and unanimous voices of the representatives of the whole body of the settlers on the described premises, in whose name and behalf, we humbly pray, that the said declaration may be received, and the district described therein be ranked by your honors, among the free and independent American states, and delegates therefrom admitted to seats in the grand Continental Congress; and your petitioners as in duty bound shall ever pray.

New-Hampshire Grants, Westminster, Jan. 15th, 1777.

Signed by order, and in behalf of said inhabitants,
JONAS FAY,
THOMAS CHITTENDEN,
HEMAN ALLEN,
REUBEN JONES.

VERMONT, at this period, possessed statesmen of no ordinary character; and to their wisdom and decision and firmness, at this momentous crisis, is she indebted for her independence. No measure could have been more wisely chosen, than the one we have just recorded. It placed Vermont on high and commanding ground; and, by a manly, able exposition of her rights, inspired the confidence of others, while it increased her confidence in herself. The appeal was too powerful, and accorded too well with the prevailing spirit of the times, not to meet the approbation of the neighboring colonies.

New-York was indignant at these proceedings. Considering her jurisdiction as rightfully extending over the New-Hampshire grants, she viewed the inhabitants as her *subjects*, and their conduct as *treason* and *rebellion*. With these views, the convention of that state proceeded to lay the case before Congress; as appears by the following communications.

Letter from A. TEN BROECK, *President of the Convention of New-York, to the President of Congress, Jan. 20, 1777.*

SIR,

I am directed by the committee of safety of New-York, to inform Congress, that by the arts and influence of certain designing men, a part of this state hath been prevailed on to revolt, and disavow the authority of its legislature.

It is our misfortune to be wounded so soon, sensibly, while we are making our utmost exertions in the common cause. The various evidences and informations we have received, would lead us to believe, that persons of great influence in some of our sister states, have fostered and fomented these divisions, in order to dismember this state at a time when, by the inroads of our common enemy, we were supposed to be incapacitated from defending our just claims: but as these informations tend to accuse some members of your honourable body of being concerned in this scheme, decency obliges us to suspend our belief.

The Congress will, doubtless, remember, that so long ago as in the month of July last, we complained of the great injury done us by appointing officers within this state, without our consent or approbation. We could not then, nor can we now, perceive the reason of such disadvantageous discrimination between this state and its neighbours. We have been taught to believe, that each of the United States is entitled to equal rights: in what manner the rights of New-York have been forfeited, we are at a loss to discover. Although we have never received an answer to our last letter on this subject, yet did hope that no fresh ground of complaint would have been offered us.

The convention are sorry to observe, that by conferring a commission upon Col. Warner, with authority to name the officers of a regiment to be raised independent of the legislature of this state, and within that part which hath lately declared an independence upon it, congress hath given but too much weight to the insinuations of those who pretend, that your honourable body are determined to support these insurgents; especially as this Col. Warner hath been constantly and invariably opposed to the legislature of this state, and hath been outlawed by the late government thereof. However, confiding in the honour and justice of the great council of America, hope that you have been surprised into this measure.

By order of the house, Sir, I inclose you their resolution upon the important subject of this letter; and I'm further to observe, that it is absolutely necessary to recal the commissions given to Col. Warner and the officers under him; as nothing else will do justice to us, and convince these deluded people, that Congress have not been prevailed on to assist in dismembering a state, which, of all others, has suffered most in the common cause. The King of Great-Britain hath, by force of arms, taken from us five counties; and an attempt is made, in the midst of our distresses, to purloin from us three other counties. We must consider the persons concerned in such designs, as open enemies of this state, and, in consequence, of all America. To maintain our jurisdiction over our own subjects, is become indispensibly necessary to the authority of the convention; nor will any thing less, silence the plausible arguments, by which the disaffected delude our constituents, and alienate them from the common cause.

On the success of our efforts in this respect, depends, too probably, even the power of the convention. It is become a common remark in the mouths of our most zealous friends, that if the state is to be rent asunder, and its jurisdiction subverted, to gratify its deluded and disorderly subjects, it is a folly to hazard their lives and fortunes in a contest which, in every event, must terminate in their ruin.——I have the honour to be, with great respect, your most obedient and very humble servant,

(By order,)

A. TEN BROECK, P.

Hon. JOHN HANCOCK, *Esq. President, &c.*

Letter from A. Ten Broeck, *Esq. President of the Convention of New-York, to the President of Congress, March* 1, 1777.

SIR,

The inclosed letters and resolutions were proposed some time since; but for reasons with which you need not be troubled, were delayed—some late proceedings of the disaffected within this state, occasions their now being transmitted.

I am directed to inform you, that the convention are engaged in establishing a firm and permanent system of government. When this important business is accomplished, they will dispatch a satisfactory state of their boundaries, and the principles on which they are founded, for the information of Congress. In the mean time, they depend upon the justice of your honourable house, in adopting every wise and salutary expedient to suppress the mischiefs which must ensue to this state and the general confederacy, from the unjust and pernicious project of such of the inhabitants of New-York as, merely, from selfish and interested motives, have fomented this dangerous insurrection. The Congress may be assured, that the spirit of defection, notwithstanding all the arts and violence of the seducers, is, by no means, general. The county of Gloucester, and a very great part of Cumberland and Charlotte counties, continue stedfast in their allegiance to this government. Brigadier Gen. Bayley's letter, a copy of which is inclosed, will be a sufficient proof of the temper of the people of Gloucester county. Charlotte and Cumberland continue to be represented in convention; and, from very late information, we learn, that out of eighty members which were expected to have attended the mock convention of the deluded subjects of this state, twenty only attended.

We are informed by good authority, that Col. Warner was directed by the general, to send forward his men, as he should enlist them, to Tyconderoga; notwithstanding which, it appeared, by a return from thence, not long since, that only twenty four privates had reached that post; nor is there the least prospect of his raising a number of men which can be an object of public concern—though, instead of confining himself to the Green Mountain, as we understand, was the intention of the honourable Congress, he has had the advantages of recruiting in Albany and other places.

The convention beg to know what pay the honourable Congress have allowed for the officers and privates of the troops of horse, who were employed the last camgaign, in the service of the United States.——I have the honour to be, with great respect, Sir, your most obedient servant,

(By order,)

A. TEN BROECK, P.

Hon. John Hancock, *Esq. President, &c.*

"The proceedings of Vermont had now assumed a regular form and become an object of general attention."* To encourage the people to maintain the ground they had taken, and proceed to the organization of a government, Thomas Young, a distinguished citizen of Philadelphia, published an address to the people of Vermont; of which the following is an extract.

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* Williams.

To the Inhabitants of VERMONT, *a Free and Independent State, bounding on the River Connecticut and Lake Champlain.*

PHILADELPHIA, APRIL 11, 1777.

GENTLEMEN,

Numbers of you are knowing to the zeal with which I have exerted myself in your behalf, from the beginning of your struggle with the New-York monopolizers. As the Supreme Arbiter of right has smiled on the just cause of North America at large, you, in a peculiar manner, have been highly favoured. God has done by you the best thing, commonly done for our species. He has put it fairly in your power to help yourelves.

I have taken the minds of several leading members in the honourable the Continental Congress, and can assure you, that you have nothing to do, but send attested copies of the recommendation to take up government, to every township in your district, and invite all your freeholders and inhabitants to meet in their respective townships, and choose members for a general convention, to meet at an early day, to choose delegates for the general congress, a committee of safety, and to form a constitution for your state,

Your friends here tell me, that some are in doubt whether delegates from your district would be admitted into Congress. I tell you to organize fairly, and make the experiment, and I will ensure you success, at the risk of my reputation, as a man of honour or common sense. Indeed, they can, by no means, refuse you! You have as good a right to choose how you will be governed, and by whom, as they had.

May Almighty God smile upon your arduous and important undertaking, and inspire you with that wisdom, virtue, public spirit and unanimity, which ensures success in the most hazardous enterprizes!——I am, Gentlemen, your sincere friend and humble servant,

THOMAS YOUNG.

APRIL 12, 1777.

Your committee have obtained for you a copy of the recommendation of Congress, to all such bodies of men as looked upon themselves returned to a state of nature, to adopt such government as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

You may, perhaps, think strange, that nothing further is done for you, at this time, than to send you this extract: but if you consider, that till you incorporate and actually announce to Congress your having become a body politic, they cannot treat with you as a free state. While New-York claims you as subjects of that government, my humble opinion is, your own good sense will suggest to you, that no time is to be lost in availing yourselves of the same opportunity your assuming mistress is improving to establish a dominion for herself and you too.

A word to the wise is sufficient. THOMAS YOUNG.

Resolution of Congress, referred to in the above letter.

IN CONGRESS, MAY 15, 1776.

Whereas his Britannic Majesty, in conjunction with the Lords and Commons of Great-Britain, has, by a late act of Parliament, excluded the inhabitants of these United Colonies from the protection of his crown: and whereas no answer whatever to the humble petitions of the colonies for redress of grievances and reconciliation with Great-Britain, has been, or is likely to be given; but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies: And whereas it appears absolutely irreconcileable to reason and good conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great-Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the people of the colonies, for the preservation of internal peace, virtue, and good order, as well as for the defence of their lives, liberties, and properties against the hostile invasions and cruel depredations of their enemies:—

Resolved therefore, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs, has been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

Extract from the minutes, CH. THOMSON, *Sec'ry.*

Alarmed at the suggestions in the foregoing commmunication of Thomas Young, the council of safety of New-York proceeded to make a further effort to arrest the progress of Vermont; as appears by the following document.

Letter from PIERRE VAN CORTLANDT. *President of the Council of safety of New-York, to the President of Congress, dated May 28, 1777.*

At a time when the councils and arms of America should be directed to the defence of all the United States against a foreign invasion, it gives us pain to find it our duty to call the attention of Congress to the domestic concerns of this state. A faction in the north-eastern part of this state aim at separation from it, and have declared themselves independent.

Although we apprehend no great difficulties in reducing these factious spirits to obedience and good order, by the justice and vigour of the government of this state, without the aid of Congress, yet as a report prevails, and daily gains credit, that they are privately countenanced in their designs by certain members of your honourable house, we esteem it our duty to give you this information, that by a proper resolution on that subject, the reputation of Congress may cease to be injured by imputations so disgraceful and dishonourable.

However unwilling we may be, to entertain suspicions so disreputable to any member of Congress, yet the truth is, that no inconsiderable numbers of the people of this state do believe the report to be well-founded, and, of course, their confidence in the justice, and their respect for the determination of Congress, will, we fear, be diminished; nor can it be difficult to perceive what an unhappy influence such reports and apprehensions will have on the minds of the best whigs of this state, especially at this critical juncture.——I have the honour to be, with great respect, Sir, your most obedient and very humble servant,

(By order,) PIERRE VAN CORTLANDT, P.
Hon. JOHN HANCOCK, *Esq. President, &c.*

To bring Congress to a decision upon the subject of this controversy, one of the delegates of New-York, on the 23d of June, laid before that body the printed letter and publication of Thomas Young. This letter, together with the communications from the conventions of New-York and the New-Hampshire grants, were referred to a committee of the whole; and on the 30th of June, Congress passed the following resolves.*

"RESOLVED, That Congress is composed of delegates chosen by, and representing, the communities respectively, inhabiting the territories of New-Hampshire, Massachusetts Bay, Rhode-Island, and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, as they respectively stood at the time of its first institution; that it was instituted for the purpose of securing and defending the communities aforesaid, against the usurpations, oppressions, and hostile invasions of Great-Britain; and, therefore, it cannot be intended that Congress, by any of its proceedings, would do, or recommend, or countenance, any thing injurious to the rights and jurisdiction of the several communities, which it represents.

"RESOLVED, That the independent government attempted to be established by the people, stiling themselves inhabitants of the New-Hampshire grants, can derive no countenance or justification from the act of Congress, declaring the united colonies to be independent of the crown of Great-Britain, nor from any other act or resolution of Congress.

"RESOLVED, That the petition of Jonas Fay, Thomas Chittenden, Heman Allen, and Reuben Jones, in the name and behalf of the people, stiling themselves as aforesaid, praying that 'their declaration, that they would consider themselves as a free and independent State, may be received; that the district in the said petition described, may be ranked among the free and independent States; and that delegates therefrom may be admitted to seats in Congress,' be dismissed.

"RESOLVED, That Congress, by raising and officering the regiment, commanded by Col. Warner, never meant to give any encouragement to the claim of the people aforesaid, to be considered as an independent State; but that the reason which induced Congress to form that corps, was, that many officers of different states, who had served in Canada, and alledged that they could soon raise a regiment, but were then unprovided for, might be reinstated in the service of the United-States."

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* Williams.

Having recited sundry parapraphes in the letter from Thomas Young, they next resolve, "That the contents of the said paragraphs are derogatory to the honor of Congress, are a gross misrepresentation of the resolution of Congress therein referred to, and tend to deceive and mislead the people to whom they are addressed."

While Congress were resolving to dismiss the petition of the inhabitants of Vermont, and that "the independent government attempted to be established by its people, could derive no countenance or justification from any act or resolution of that body," the people of Vermont were engaged in forming a constitution of civil government. The convention which declared the independence of Vermont, met, according to adjournment, at Windsor, on the first Wednesday of June. At this meeting, a committee was appointed to make a draft of a constitution; and a resolution was adopted, recommending to each town to elect delegates to meet in convention, at Windsor, on the 2d day of July following.*

On the 2d of July, the convention met at Windsor. "The draft of a constitution was presented and read. The business being new, and of great importance, required serious deliberation. The convention had it under consideration, when the news of the evacuation of Tyconderoga arrived; which occasioned great alarm, as, thereby, the frontiers of the state were exposed to the inroads of the enemy. The family of the President of the convention, as well as those of many other members, were exposed. In this awful crisis, the convention was for leaving Windsor; but a severe thunder storm came on, and gave them time to reflect; while some members, less alarmed at the news, called the attention of the convention to finish the constitution, which was then reading, paragraph by paragraph, for the last time. This was done, and the convention appointed a council of safety † to act during the recess, and adjourned."‡

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* Allen's history.

† It may be proper here to record the correspondence between the Council of safety of Vermont and the Governor of New-Hampshire, which resulted in the march, and arrival at Bennington, of the troops under Gen. Stark, and in the memorable victory of the 16th of August, 1777, by which the first check was given to the invading army under Gen. Burgoyne.

Address of the Council of Safety of VERMONT, *to the Councils of Safety of* MASSACHUSETTS *and* NEW-HAMPSHIRE.

In Council of Safety, State of Vermont, Manchester, July 15, 1777.

GENTLEMEN,

This state, in particular, seems to be at present the object of destruction. By the surrender of the fortress of Tyconderoga, a communication is opened to the defenceless inhabitants on the frontier, who, having little more in store at present, than sufficient for the maintainance of their respective families, and not ability immediately to remove their

‡ Allen's history.

Previous to the adjournment, it was ordered that the first election, under the constitution, should be holden in December, 1777 ; and that the general assembly, thus elected, should meet at Bennington, in January 1778. The publick attention, however, being arrested by the evacuation of Tyconderoga, and the progress of the enemy under general Burgoyne ; the constitution was not printed, seasonably, to have the election holden in December. The convention was, therefore, summoned, by the Council of safety, to meet, at Windsor, on the 24th of December, 1777. They met ;* revised the constitution, and postponed the day of election until the first Tuesday of March, 1778, and the sitting of the Assembly until the second Thursday of the same month.†

effects, are, therefore, induced to accept such protections as are offered them by the enemy By this means. those towns who are most contiguous to them, are under the necessity of taking such protection ; by which the next town or towns, becomes equally a frontier as the former towns, before such protection; and unless we can have the assistance of our friends, so as to put it immediately in our power to make a sufficient stand against such strength as they may send, it appears that it will soon be out of the power of this state to maintain its territory.

This country, notwithstanding its infancy. seems to be as well supplied with provisions for victualing an army, as any on the continent ; so that on that account we cannot see, why a stand may not as well be made in this state, as in the Massachusetts ; and more especially, as the inhabitants are heartily disposed to defend their liberties.

You, gentlemen, will be at once sensible, that every such town as accepts protection, is rendered at that instant incapable of affording any further assistance ; and what is infinitely worse, as some disaffected persons eternally lurk in almost every inhabited town, such become doubly fortified to injure their country, our good disposition to defend ourselves, and make a frontier for your state with our own, which cannot be carried into execution without your assistance. Should you send immediate assistance, we can help you ; and should you neglect till we are put to the necessity of taking protection, you know it is in a moment out of our power to assist you. Your laying these circumstances together will, I hope, induce your honours to take the same into consideration, and immediately send us your determination in the premises ——I have the satisfaction to be, your honours most obedient and very humble servant, by order of council

IRA ALLEN, *Sec'ry.*

Letter from MESCHECH WEARE *President of the State of New-Hampshire, to* IRA ALLEN, *Secretary of the State of Vermont.*

SIR, EXETER, JULY 19, 1777.

I was favoured with your's of the 15th inst. yesterday by express, and laid the same before our general court, who are sitting

We had, previous thereto, determined to send assistance to your state, They have now determined, that a quarter part of the militia of twelve regiments shall be immediately draughted, formed into three battalions, under the command of Brig Gen John Stark, and forthwith sent into your state, to oppose the ravages and coming forward of the enemy ; and orders are now issuing, and will all go out in a few hours to the several Colonels for that purpose. Dependence is made that they will be supplied with provisions in your state ; and I am to desire your convention will send some proper person or persons to Number Four, by Thursday next, to meet Gen. Stark there, and advise with him relative to the route and disposition of our troops, and to give him such information as you may then have, relative to the manœuvres of the enemy.——In behalf of the council and assembly, I am, Sir, your most obedient humble servant,

MESCHECH WEARE, *President.*

IRA ALLEN, *Esq Secretary of the State of Vermont.*

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* The journals of the several sittings of the convention, are not to be found

† The assembly met at Windsor, on the second Thursday of March, 1778. The constitution, under which the government was then organized, and the early journals of the Legislature, will be found in a subsequent part of this volume.

On the 6th of February, 1778, the Council of safety addressed the inhabitants of Vermont, as follows.

In Council of Safety, Bennington, Feb. 6th, 1778.

To the Inhabitants of the State of Vermont.

Gentlemen,

The united and joint representatives of this state, in their general convention, held at Windsor, on the 2d day of July last, did compose, and agree, unanimously, on a constitution for the future government and mutual advantage of its inhabitants. It was then proposed by the joint agreement of the said representatives, that such constitution should be printed, so as to have had them circulated among the inhabitants, seasonably, to have had the general election of representatives to compose the general assembly, in December last; who, by agrement, was to have met at Bennington, within this state, in the month of January last. But finding, by repeated experience, that the troubles of the war, and encroachments of the enemy, would, of necessity, render it impossible, this council did think fit to again call on the members of the general convention, to meet; who, accordingly, met at Windsor, on the 24th day of December last, and did, unanimously, agree to postpone the day of election until the first Tuesday of March next, and the sitting of the assembly to be at Windsor, on the second Thursday of March next. The constitution is now printed, and will be distributed among the inhabitants of the several towns in this state, so early, that they may be perused before the day of election; which, this council hope, will, sufficiently, recommend the most safe and just method of choosing of representatives to compose the general assembly. Nothing but a real zeal for the future well being of the United States of America, in general, and this, in particular, could have induced this council to have undertaken the arduous task of sitting, so many months successively, to provide for the safety of its inhabitants. They, therefore, flatter themselves that their services will meet the approbation of their employers. The Council are fully of opinion that nothing but the want of a firm attachment and joint connection of the inhabitants of this state, can frustrate, or prevent their being what they so reasonably wish to be.

I am, Gentlemen, by order of Council,
Your most obedient humble servant,
THOMAS CHITTENDEN, *President.*

The deliberate determination to maintain their independence, evinced by the people of Vermont, in the organization of a constitutional government; though it did not reconcile New-York to a relinquishment of her claim of jurisdiction over the contested territory, evidently contributed to produce a change in her policy; as will appear by the following Proclamation.

"By his Excellency GEORGE CLINTON, Esq. Governor of the State of *New-York*, General of all the Militia, and Admiral of the Navy of the same.

A PROCLAMATION.

L. S. WHEREAS the Senate and Assembly of this state, did, by their several resolutions, passed the twenty-first day of this instant month of *February*, declare and resolve, That the disaffection of many persons, inhabiting the north eastern parts of the county of *Albany*, and certain parts of the counties of *Charlotte*, *Cumberland* and *Gloucester*, clearly included within the ancient, original, true and lately established bounds of this state, arose from a contest, about the property of the soil of many tracts of land, within those parts of the said counties respectively:

That the said contest was occasioned, partly by the issuing of divers interfering patents or grants, by the respective governments of *New-York*, on the one part, and those of *Massachusetts Bay* and *New-Hampshire*, on the other, antecedent to the late establishment of the eastern boundary of this state; partly by an higher quit-rent reserved on the said lands, when re-granted under *New-York*, than were reserved in the original grants under *New-Hampshire* or *Massachusetts-Bay*, and the exorbitant fees of office accruing thereon; and partly by a number of grants made by the late government of *New-York*, after the establishment of the said eastern boundary, for lands which had been before granted by the governments of *New-Hampshire* and *Massachusetts-Bay*, respectively, or one of them; in which last mentioned grants by the late government of *New-York*, the interest of the servants of the crown, and of new adventurers, was, in many instances, contrary to justice and policy, preferred to the equitable claims for confirmation, of those who had patented the lands under *New-Hampshire* or *Massachusetts-Bay*:—

That the aforesaid disaffection has been greatly increased, by an act passed by the Legislature of the late Colony of *New-York*, on the ninth day of *March*, in the year of our Lord, one thousand seven hundred and seventy four, entitled, "An Act for preventing tumultous and riotous assemblies in the places therein mentioned, and for the more speedy and effectual punishing the rioters:—That many of the aforesaid disaffected persons, though unjustifiable in their opposition to the authority of this state, labour under grievances, arising from the causes above mentioned, which, in some measure, extenuate their offence, and which ought to be redressed:—

That, therefore, the Legislature of this state, while on the one hand, they will vigorously maintain their rightful supremacy over the persons and property of those disaffected subjects, will, on the other hand, make overtures to induce the voluntary submission of the delinquents:—

That an absolute and unconditional discharge, and remission of all prosecutions, penalties and forfeitures, under the above-mentioned act, shall be an established preliminary to such overtures; which overtures are as follows, *viz.*

1st. That all persons actually possessing and improving lands, by title under grants from *New-Hampshire* or *Massachusetts-Bay*, and not granted under *New-York*, shall be confirmed in their respective possessions.

2d. That all persons actually possessing and improving lands, not granted by either of the three governments, shall be confirmed in their respective possessions, together with such additional quantity of vacant land, lying contiguous to each respective possession, as may be necessary to form the same into a convenient farm; so as the quantity to be confirmed to each respective person, including his possession, shall not exceed three hundred acres.

3d. That where lands have heretofore been granted by *New-Hampshire* and *Massachusetts-Bay*, or either of them, and actually possessed in consequence thereof, and being so possessed, were, afterwards, granted by *New-York*, such possessions shall be confirmed; the posterior grant under *New-York*, notwithstanding.

Provided always, That nothing in the above regulations contained, shall be construed to determine any question of title or possession, that may arise between different persons claiming under *New-Hampshire* or *Massachusetts-Bay*, or between persons claiming under *New-Hampshire* on the one, and under *Massachusetts-Bay* on the other part, independent of any right or claim under *New-York*.

4th. That, with respect to all such cases, concerning the aforesaid controverted lands, as cannot be decided by the rules exibited in the aforegoing articles, or some one of them, the Legislature of the state of *New-York*, will provide for the determination of the same, according to the rules of justice and equity, arising out of such cases respectively, without adhering to the strict rules of law.

5th. That, in all cases, where grants or confirmations shall become necessary, on acceptance of the above overtures, such grants or confirmations, shall issue to the grantees, at, and after, the rate of five pounds for a grant or confirmation of three hundred acres or under; and for every additional hundred acres, the additional sum of sixteen shillings; except in cases, where lands shall be granted or confirmed to divers persons in one entire tract; in which case, the grants shall issue, respectively, for fifteen pounds each; which allowances shall be in lieu of all other fees or perquisites whatsoever.

6th. That whenever, agreeable to the above regulations, new grants or confirmations shall become necessary under this state, for lands heretofore granted by *New-Hamphire* or *Massachusetts-Bay*, the same quit-rent only shall be reserved, which was reserved in the original grants under *New-Hampshire* or *Massachusetts-Bay*.

7th. That where lands, heretofore granted by *New-Hampshire* or *Massachusetts-Bay*, have been, since, confirmed to such grantees by new grants under *New-York*, the quit-rents on such lands, shall be reduced to what they were in the original grants, under *New-Hampshire* or *Massachusetts-Bay*.

8th. That, in order to encourage the settlement of the aforesaid disputed lands, in a peaceable subjection to the authority and jurisdiction of this state, and also of all other lands held within and under this state, the following commutation for the quit-rents, shall be allowed, *viz*:—That, on payment, at the rate of two shillings and six pence, lawful money of this state, into the treasury of this state, for every penny sterling of quit-rent reserved; or, on delivery into the same, of seventeen times the quantity of grain, or other commodity, reserved for such quit-rent, the same shall thence forward be utterly discharged, and for ever cease and be extinguished.

That these overtures should be offered with a view, not only to induce the aforesaid discontented inhabitants of the counties of *Albany*, *Charlotte*, *Cumberland* and *Gloucester*, to return to a lawful and rightful obedience to the authority and jurisdiction of this state; but also in favor of all others whom the same may concern; and to be of no avail to any person or persons whatsoever, who shall, after the first day of *May* next, yield or acknowledge, any allegiance or subjection to the pretended state of *Vermont*, the pretended government thereof, or to any power or authority, pretended to be held or exercised thereunder.

That the aforegoing overtures, on the condition above expressed, be tendered for acceptance to all persons, to whose case the same, or any or either of them, do, or shall apply, upon the public faith and assurance of the legislature and government of the state of *New-York*, pledged to such person and persons for the purpose.

That the several branches of the Legislature of the state of *New-York*, will concur in the necessary measures for protecting the loyal inhabitants of this state, residing in the counties of *Albany*, *Charlotte*, *Cumberland* and *Gloucester*, in their persons and estates, and for compelling all persons, residing within this state, and refusing obedience to the government and legislature thereof, to yield that obedience and allegiance, which, by law and of right, they owe to this state.

And whereas, The said Senate and Assembly of this state of *New-York*, have also, by their resolution, requested me to issue my Proclamation, under the privy seal of this state, reciting their aforesaid declarations and resolutions, and strictly charging and commanding all manner of persons, in the name of the people of the state of *New-York*, to take due notice thereof, *at their peril*, and govern themselves accordingly.

I DO THEREFORE *hereby*, *in the name of the people of the state of New-York*, publish and proclaim the aforesaid declarations and resolutions; and I do hereby, strictly charge and command all manner of persons within this state, at their peril, to take due notice of this Proclamation, and of every article, clause, matter and thing therein recited and contained, and to govern themselves accordingly.

Given under my hand, and the privy seal of the State of New-York, *at* Poughkeepsie, *in the County of* Dutchess, *the twenty-third day of* February, *in the year of our Lord, one thousand seven hundred and seventy eight.*

GEO. CLINTON.

GOD SAVE THE PEOPLE.

There is a semblance of fairness in these overtures, which might have misled a people, less discerning, and less jealous of their rights, than the people of Vermont. But they had too long been accustomed to a thorough investigation of every point in the controversy, not to perceive that the overtures held out no prospect of substantial relief; and were designed to effect, by the arts of policy, what had, in vain, been attempted by threats and force. At every step of the controversy, they had gained additional strength to the conviction that the claims of New-York were utterly groundless. Acting under this conviction, they had announced their independence, and proceeded to organize a government. Thus situated, they were not in a condition to listen patiently to overtures, accompanied with an explicit avowal of the "rightful supremacy of New-York, over their persons and property, as disaffected subjects."

In August, 1778, the following answer to the foregoing Proclamation, was published by Ethan Allen. It was, subsequently, incorporated into his "vindication of Vermont," published, under the sanction of the Governor and Council, in 1779; from which we have extracted it.

"This Proclamation," says Allen, "after mentioning a disaffection of many persons, inhabiting the north-east parts of the county of *Albany*, and certain parts of the counties of *Charlotte*, *Cumberland* and *Gloucester*, proceeds to affirm that these tracts of country were clearly included within the ancient, original, true, and lately established bounds of the state of *New-York*.

That many, nay, almost the whole of the inhabitants in those counties, *alias*, the state of *Vermont*, are disaffected to the government of *New-York*, will not be disputed. This is a fact. But it is not a fact, that the ancient, original and true bounds of *New-York*, included those lands. The first intimation that ever saluted the ears of the public, asserting this doctrine, was, from a Proclamation of governor *Tryon's*, dated the 11th day of *December*, 1771, which begins thus: "Whereas, it is the ancient and incontestible rights of this colony, to extend to *Connecticut* river, as its eastern boundary." This assertion hath been answered, at large, in my treatise on the conduct of this government, towards the *New Hampshire* settlers; to which I refer the reader, and at present observe, that as the quoted assertions in these Proclamations, are wholly without foundation, they need only to be as positively denied as they are asserted. The fact is, that the tract of land, which now comprehends the state of *Vermont*, was, universally, known to be in the government of *New-Hampshire*. Thus it was placed by all Geographers in their maps, 'till the year 1764, when the now *English* King, for certain political reasons, which I shall mention, extended the jurisdiction of *New-York* over the premises, by his special royal authority. At the time of the alteration of this jurisdiction, jealousies had fired the minds of King and Parliament against the growth and rising power of *America*, and at this time, they began to advance men and governments into power, with a political design to crush the liberties of *America*. *New-York* had ever been their favorite government. They could almost vie with *Great-Britain* in the art of vassalaging common people, and in erasing every idea of liberty from the human mind, by making and keeping them poor and servile. This, *Great-Britain* well knew, and therefore fleeced a large territory from *New-Hampshire*, and added it to *New-York*, to depress the power of the one, and enlarge and extend the other. A well concerted plan: but the *green mountain boys* disconcerted it, by throwing their weight into the scale of congress, which, thank GOD, has fairly preponderated. Thus may be seen the design, as well as date, of the original, ancient and true bounds of the state of *New-York* being extended over the state of *Vermont;* and for the same reason it was thus extended by *Great-Britain,* it will undoubtedly be curtailed by congress.

As to the acts of outlawry, mentioned in the Proclamation, they died a natural death, the first day of *January,* 1776, as may be seen from the act itself, here quoted: "And be it further enacted by the authority aforesaid, that this act shall remain and continue in full force and effect, from the passing thereof, until the first day of *January,* which will be in the year of our Lord, one thousand seven hundred and seventy six."

The subjects of the state of *Vermont,* were under no apprehensions from these old lifeless acts. Nor do I conceive, that the present legislature of the state of *New-York* have laid them under any obligation, in granting them a pardon. It was a matter which formerly respected governor *Tryon,* the old Legislature of *New-York,* and the *green mountain boys;* and the party last mentioned, choose to settle that old quarrel with Mr. *Tryon;* and resent it, that the Legislature of the state of *New-York* have, so late in the day, undertook to give an "Unconditional discharge and remission of all penalties and forfeitures incurred," under an act which had been long dead; and which, when alive, served only to discover to the world, the wickedness and depravity of that legislative body which enacted them. In the lifetime of this act, I was called by the *Yorkers* an outlaw, and afterwards, by the *British,* was called a rebel; and I humbly conceive, that there was as much propriety in the one name as the other; and I verily believe, that the King's commissioners would now be as willing to pardon me for the sin of rebellion, provided I would, afterwards, be subject to *Britain,* as the Legislature above mentioned, provided I would be subject to *New-York;* and, I must confess, I had as leave be a subject to the one as the other; and, it is well known, I have had great experience with them both.

Next, I propose to consider that part of the Proclamation, called overtures, which are contained in the three first articles. Article 1st. "That all persons, actually possessing and improving lands, by title under grants from *New-Hampshire* or *Massachusetts Bay,* and not granted under *New-York,* shall be confirmed in their respective possessions."

This first article cannot be considered of any material consequence, inasmuch as, among almost the whole possessions referred to in the article, there are but very few, if any, but what are covered with *New-York* grants.

The second article is as follows: "That all persons possessing and improving lands, not granted by either of the three governments, shall be confirmed in their, respective possessions, together with such additional quantity of vacant land, lying contiguous to each respective possession, as may be necessary to form the same into a convenient farm, so as the quantity of land to be confirmed to each respective possession, shall not exceed three hundred acres."

Neither of these two first articles, called overtures, affect the controversy, except in some very few instances; inasmuch as all, or in a manner, all the possessions spoken of, were first granted by *New-Hampshire*, except some few which were granted by *Massachusetts-Bay*; and then, lastly, almost the whole of those possessions were re-granted by *New-York*. This being the case, what has been hitherto proposed, does not reach the essence of the controversy, as the *New-Yorkers* very well know; besides, it is not in the power of the government to confirm any of those possessions, which have been already granted, and therefore become the property of the grantees, as will be more fully discussed in its proper place. I proceed to the third article of the much boasted overtures.

"That where lands have been heretofore granted by *New-Hampshire* and *Massachusetts-Bay*, or either of them, and actually possessed in consequence thereof, and being so possessed, were afterwards granted by *New-York*; such possession shall be confirmed,—the posterior grant under *New-York*, notwithstanding."

Though it is absolutely out of the power of the said legislative authority, to confirm the possessions mentioned; yet, to discover their want of generosity in their proposal, I shall, in the first place, consider what a trifling proportion of those possessions could be confirmed upon their own stating, inasmuch as the confirming clause in the article, only confirms the possessor, who being so possessed at the time that the *New-York* grant was laid; and has no respect to any additional possession carried on after the grant took place. The identical words are, "And being so possessed, were afterwards granted by *New-York*;" *viz.* After such possession was actually made, and the possessor being so in possession, at the time the grant took place, such possession shall be confirmed; but any later possession cannot be included in the condition of "being so possessed;" for, a later possession was no possession at all, at the time the condition of possession took place; and, consequently, every possession which has been begun in the state of *Vermont*, since the lands were granted by *New York*, must be lost to the possessor, and fall into the hands of the *New-York* grantees, with all other uncultivated lands in the state; and all our purchases of those lands from *New-Hampshire* and *Massachusetts-Bay*, fall to the ground, together with our possessions, which have been increased an hundred fold.

These overtures have hitherto been considered only in a grammatical and logical sense, allowing them their own construction. I now proceed to consider them in a law sense. A legislative authority, within its own jurisdiction, may confirm a possession on vacant land, by making a grant of the same to the possessor. But, for the legislative authority of the state of *New-York*, to pretend, as they do in their Proclamation, to vacate any grants made by their own authority, in favor of any possession, and to confirm such possessions, by nullifying and defeating their own grants, is the height of folly and stupidity: for, the lands being once granted, the property passeth to the grantee; who is become the sole proprietor of the same; and he is as independent of that legislative authority, which granted it, as any person may be supposed to be, who purchaseth a farm of land of me by deed of conveyance: and it is as much out of the power of that Legislature to vacate a grant made by them, or the same authority, in favor of any possessor, as it is out of my power to vacate my deed of conveyance in favor of some second person. It is contrary to common sense to suppose, that the property of the subject is at the arbitrary disposal of the Legislature: if it was, they might give a grant to day, and vacate it to-morrow, and so on, *ad infinitum.* This would destroy the very nature and existance of personal property, as the whole would depend on the sovereign will and last act of the Legislature. But the truth of the matter is, the first conveyance will, and ought to hold good; and this defeats all subsequent conveyances.

From what has been said on this subject, it appears, that the overtures in the Proclamation set forth, are either romantic, or calculated to deceive woods people, who, in general, may not be supposed to understand law, or the power of a legislative authority.

I have further to evince my arguments on this subject, by the concurring opinion of the Lords of the Board of Trade, on complaint made to them from those very persons, possessing the land we are speaking of. That clause of their report which is similar to what I have argued, is in these words: "Such subsequent grants made by the government of *New York*, however unwarrantable, cannot be set aside by any authority from his Majesty, in case the grantees shall insist on their title."

Thus it appears, in a trial (of the same case we are treating of) before the board of trade, that the King, under whose authority the government of *New-York* had, in an oppressive manner, granted those very lands, could not, by his royal authority, vacate or set aside the grants: yet, the present legislative authority of the state of *New-York*, proclaim to the world, and pledge the faith of government, that they will do it. But enough has been said on the impossibility of it, as well as on the ungenerousness of the proposal: and as to the quit-rents, the general assembly of the state of *Vermont* will determine their expediency, and probably release them all.

What has been observed, answers every part of the proclamation worth notice, as the five last articles had an entire reference to the three first; though it may be worth observing, that the time of compliance with those overtures are run out; and it is my opinion, that but few of the subjects of the state of *Vermont* have closed with them. The main inducement I had in answering them was, to draw a full and convincing proof from the same, that the shortest, best, and most eligible, I had almost said, the only possible, way of vacating those *New-York* interfering grants, is, to maintain inviolable the supremacy of the legislative authority of the independent state of *Vermont.* This, at one stroke, overturns every *New-York* scheme, which may be calculated for our ruin; makes us free men, confirms our property, "and puts it fairly in our power to help ourselves" to the enjoyment of the great blessings of a free, uncorrupted and virtuous civil government.

Bennington, August 9, 1778.

Hitherto, we have viewed the people of Vermont, only in their relation to the government of New-York; and, from a feeble infancy, have seen them gradually advance to the maturity of manhood, and commence a career in the character of an independent State.

The declaration of their independence, however, furnished occasion for new difficulties.

The original territory of New-Hampshire, consisted of sundry grants from the Council of New-England* to John Mason, made between the years 1621 and 1635; and was bounded on the west, by a line sixty miles from the sea. The territory between the Mason grant, as it was called, and Connecticut river, was, subsequently, granted, in virtue of royal commissions to the governors of New-Hampshire.

Vermont had no sooner organized a government, than a strong disposition was manifested by many of the inhabitants, on the territory last mentioned, to dissolve their connexion with New-Hampshire, and unite with the people of Vermont. To justify the separation, it was contended "that all the lands, west of the Mason line, being royal grants, had been held in subjection to the government of New-Hampshire by force of the royal commissions, which were vacated by the assumed independence of the American Colonies; and, therefore, the inhabitants of those grants had reverted to a state of nature," and were at liberty to form a separate government, or connect themselves with such as would consent to a union.†

Accordingly, on the 12th of March, 1778, a petition from sixteen towns‡ on the east side of Connecticut river, was presented to the Legislature of Vermont, praying to be admitted into its union.

The Legislature was greatly embarrassed by this application; and, finally, referred the decision of the question to the people; as appears by the following extract from the journals.

"*Wednesday March* 18*th* 1778.

Voted that the proposals and preliminaries exhibited to this house, by a committee, representing a number of towns on the New Hampshire grants, east of Connecticut river, relative to forming a union between said grants and this State, be laid before the people of this State, at large, for their consideration and determination."

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* Several of the principal nobility of Great-Britain; to whom, by the name of the Council of New-England, had been granted "all the land in America, lying between the degree of 40 and 48, north latitude," by the name of New England.—I Belknap, 301.

† Belknap's history, of N. H.

‡ Cornish,
Lebanon
Dresden,
Lime,
Orford,
Piermont,
Haverhill,
Bath,
Lyman,
Apthorp,
Enfield,
Canaan,
Cardigan,
Landaff,
Gunthwaite,
Morristown.—Belknap's history.

At the following session, in June, it appeared that a majority of the towns had voted for the union. Accordingly, the General Assembly admitted into union, the sixteen towns, as appears by the following extract from the journals.

"*Thursday June 11th*, 1778.

Voted that the union take place—thirty seven in the affirmative, and twelve in the negative."

"Having thus effected their purpose, the sixteen towns announced to the government of New-Hampshire, that they had withdrawn from their jurisdiction, and wished to have a divisional line established, and a friendly correspondence kept up."*

Justly alarmed and incensed at these proceedings, the government of New-Hampshire made the following communications on the subject, to the delegates of that state, in Congress, and to the Governor of Vermont.

From President WEARE, *to the New-Hampshire Delegates at Congress*.

EXETER, AUGUST 19, 1778.

GENTLEMEN,

By order of the council and assembly of this state, I am to inform you, that the pretended state of Vermont, not content with the limits of the New-Hampshire grants (so called) on the western side of Connecticut river, have extended their pretended jurisdiction over the river, and taken into union (as they phrase it) sixteen towns on the east side of Connecticut river, part of this state, and who can have no more pretence for their defection than any other towns in this state; the circumstances of which you are well acquainted with; and great pains are taking to persuade other towns to follow their example.

By the best information I have from that country, nearly one half of the people, in the revolted towns, are averse to the proceedings of the majority, who threaten to confiscate their estates, if they do not join with them; and I am very much afraid that the affair will end in the shedding of blood. Justices of the peace have been appointed and sworn into office in those towns, under the pretended authority of said Vermont; and persons sent to represent them there. I must not omit to let you know, that Col. Timothy Bedel, who has received great sums of money from congress, and their generals, under pretence of keeping some companies, last winter, and now a regiment, for the defence of that northern frontier, or to be in readiness for marching into Canada, (though very little service has been done, as I am informed) by influence of the money and his command, has occasioned a great share in the disorders in those towns. 'Tis wished by the more sober, solid people in that quarter, he could be removed for some other command, if he must be kept in pay and employed.

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* Williams.

I am directed to desire you, on the receipt of this, to advise with some of the members of congress on this affair, and proceed, as you may judge expedient; and, after advising as aforesaid, to endeavour to obtain aid of congress, if you think they can, with propriety, take up the matter. Indeed, unless congress interfere, (whose admonitions, I believe, will be obeyed) I know not what consequences will follow. It is very probable the sword will decide it, as the minority, in those towns, are claiming protection from this state, and they think themselves bound, by every tie, to afford it; and you know that every condescending measure has been used from the beginning of the schism, and rejected.

From President WEARE, *to Governor* CHITTENDEN.

SIR, EXETER, AUGUST 22, 1778.

Although I have had information that the people, settled on the New-Hampshire grants, (so called) west of Connecticut river, had formed a plan for their future government, and elected you their first magistrate; yet, as they have not been admitted into the confederacy of the United States, as a separate, distinct body, I have omitted to address you, in your magistratical style, and not out of disrespect to you, or the people over whom you preside; which, in these circumstances, I doubt not, your candour will excuse, and that you will attend to the important subject of this address.

A paper has been laid before the general assembly, attested by Thomas Chandler, jun. as secretary of the state of Vermont, dated June 11, 1778, purporting a resolution of the general assembly of the state of Vermont, to receive into union with said state, sixteen towns on the east side of Connecticut river; and leave, or rather an invitation, to any towns, contiguous to those sixteen, to enter into the same union.

On which I am directed to represent to you, and to desire it may be laid before the representatives of your people, the intimation in said resolve, that the said sixteen towns 'are not connected with any state, with respect to their internal police,' is an idle phantom, a mere chimera, without the least shadow of reason for its support.

The town of Boston, in Massachusetts, or Hartford, in Connecticut, (if disposed) might, as rationally, evince their being unconnected with their respective states, as those sixteen towns their not being connected with New-Hampshire.

Were not those towns settled and cultivated, under the grant of the governor of New-Hampshire? Are they not within the lines thereof, as settled by the King of Great-Britain, prior to the present æra? Is there any ascertaining the boundaries between any of the United States of America, but by the lines formerly established by the authority of Great Britain? I am sure there is not. Did not the most of those towns send delegates to the convention of this state, in the year 1775? Have they not, from the commencement of the present war, applied to the state of New-Hampshire, for assistance and protection? It is well known, they did—and that New-Hampshire, at their own expence, hath supplied them with arms, ammunition, &c. to a very great amount, as well as paid soldiers for their particular defence; and all at their request, as members of this state—Whence then, could this new doctrine, that they were not connected with us, originate? I earnestly desire that this matter may be seriously attended to; and I am persuaded the tendency thereof, will be to anarchy and confusion.

When I consider the circumstances of the people, west of Connecticut river, the difficulties they encountered in their first settlement, their late endeavours to organize government among themselves, and the uncertainty of their being admitted, as a separate state, into the confederacy of the United States, I am astonished that they should supply their enemies with arguments against them, by their connecting themselves with people, whose circumstances are wholly different from their own, and who are actually members of the state of New-Hampshire.—A considerable number of inhabitants of those sixteeen towns (I am well informed) are entirely averse to a disunion with the state of New-Hampshire, and are about to apply to this state for protection; indeed, some have already applied. And are not the people in this state under every obligation, civil and sacred, to grant their brethren the needed defence?

I beseech you, Sir, for the sake of the people you preside over, and the said people, for the sake of their future peace and tranquility, to relinquish every connection, as a political body, with the towns on the east side of Connecticut river, who are members of the state of New-Hampshire, entitled to the same privileges as the other people of said state, from which there has never been any attempt to restrict them.

I am, Sir, with due respect,
Your obedient humble servant,
MESHECH WEARE,
President of the Council of the state of N. H.

Hon. THOMAS CHITTENDEN, Esq.

On the receipt of this letter, Governor Chittenden convened the Council; and Gen. Ethan Allen was requested to repair to Philadelphia, to ascertain, in what light the proceedings of Vermont were viewed by Congress.

On his return, Gen. Allen made the following report.

"To his Excellency the Governor, the Honourable the Council, and to the Representatives of the freemen of the State of Vermont, in General Assembly, met.*

GENTLEMEN,

The subscriber hereto, begs leave to make the following report, viz.

By the desire of his Excellency, and at the request of several of the Members of the honourable the Council, to me made in September last, I have taken a journey to Philadelphia, in order to gain knowledge how the political situation of the State of Vermont stood, in the view of Congress; which I here exhibit.

On the 16th day of September last, I am informed by members of congress, that the delegates from the state of New-Hampshire exhibited to congress a remonstrance (which they had, previously, received from the council and assembly of said state) against the proceedings of the state of Vermont, with respect to their taking into union a number of towns, on the east side of Connecticut river, and in their inviting other towns to revolt from New-Hampshire; a copy of which I, herewith, exhibit: a matter which, they alledge, was incompatible with the right of New-Hampshire, and an infringement on the confederacy of the United States of America; and, therefore, desired the congress to take the matter under consideration, and grant some order thereon, to prevent the effusion of blood, and the confusion and disorders which would, otherwise, inevitably ensue.

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* At this session of the Legislature, representatives from ten of the sixteen towns on the east side of Connecticut river, took their seats in the General Assembly.—Williams.

The delegates from New-York, at the same time, exhibited to congress sundry papers, containing allegations against the state of Vermont, which, after some altercations, were admitted; and it was agreed that the same, together with the remonstrance from the state of New-Hampshire, should be taken under consideration, on the afternoon of the 18th, by a committee of the whole house: at which time it was moved to be brought forward, but urgent business occasioned its being deferred to the 19th; at which time I arrived at Philadelphia, and being, immediately, informed of the business by some of the members of congress, I used my influence against its being hastily determined ex parte; and particularly objected to the complaints from the states of New-Hampshire and New-York, their being both considered at the same time, alledging that they were of a very different nature. And, in consequence of this, together with my earnest request and application, I obtained assurance that the matter should not be brought to a decision, before I could have an opportunity to lay the matter before this people; as I had, previously, let the members of congress know, that the assembly of this state was to sit at this time; and I engaged to transmit the proceedings of this assembly to congress, as soon as they transpired, at their request.

The allegations, thrown by New-York, received a most severe shock on the perusal of my late pamphlet in answer to his Excellency Governor Clinton's proclamation, dated in February last, containing certain overtures to the inhabitants of this state; as well as from my large treatise on the nature and merit of the New-York claim, and their treatment to the inhabitants of this now state of Vermont. In fine, the New-York complaints will never prove of sufficient force in congress, to prevent the establishment of this state. But, from what I have heard and seen of the disapprobation, at congress, of the union with sundry towns, east of Connecticut river, I am sufficiently authorised to offer it as my opinion, that, except this state recede from such union, immediately, the whole power of the confederacy of the United States of America will join to annihilate the state of Vermont, and to vindicate the right of New-Hampshire, and to maintain, inviolate, the articles of confederation, which guarantee to each state their privileges and immunities.

Thus, gentlemen, I have given you a short representation of the political situation of this state, as it now stands in the general congress of the United-States of America, upon which I stake my honour.

Given under my hand, at Windsor, this 10th day of Oct. A. D. 1778.

ETHAN ALLEN."

Immediately after the foregoing report was made, the Legislature of Vermont took up the subject of the union; and the following proceedings were had thereon.

STATE OF VERMONT, } *In General Assembly, at Windsor, Tuesday, Oct.* 13, 1778.

Resolved, That this assembly now join his Excellency the Governor, and the honourable council, in the committee of the whole; to take into consideration the matters contained in the letter of the 22d of August last, from the honourable Meshech Weare, Esq. President of the Council of New-Hampshire to his Excellency Governor Chittenden; and every matter which may relate to the subject therein contained; and that they report, thereon, to this assembly.

STATE OF VERMONT, } *Windsor, October 13th, A. D.* 1778.

In a committee of the Governor, Lieutenant Governor, Council and Representatives of the general assembly of said state; to take into consideration the matters contained in a letter of the 22d of August last, from the honourable Meshech Weare, Esq. President of the Council of New-Hampshire, to his Excellency Governor Chittenden; and every matter, which may relate to the subject therein contained.

His Excellency THOMAS CHITTENDEN, Esq. in the Chair.
BEZALEEL WOODWARD, Esq. Clerk.

Sundry papers were laid before the committee, *viz.*

A letter from President Weare to Governor Chittenden, dated August 22d last.

Answer from Governor Chittenden to President Weare, dated Sept. 3d.

Copy of a letter from President Weare, in behalf of the council and assembly of New-Hampshire, to their members at the Continental Congress, dated August 19th, 1778.

Report of Col. Ethan Allen, from members of congress of the 10th inst.

Protest from Hinsdale, Brattleborough, &c. dated April 15th.

And a copy of a letter from Governor Clinton to Pelatiah Fitch, Esq. dated July 7th, 1778.

A verbal representation was also made by Col. Ethan Allen, of the situation of affairs relative to this state, at the honorable Continental Congress: after which, the matters, relative to the union of sundry towns, east of Connecticut river, with this state, were largely discussed.

Committee then adjourned till to-morrow morning, eight o'clock: and continued, by various adjournments, to the 16th.

October 16th.—Committee met, according to adjournment—when the following question was put, *viz.*

Whether this committee will enter on such measures as may, in their opinion, have a tendency to support the union with the towns, east of Connecticut river? which was voted in the affirmative.

Committee adjourned till to-morrow morning, eight o'clock.

October 17th.—Committee met, according to adjournment: at which time his Excellency Governor Chittenden, his honor Lieutenant Governor Marsh, Col. Elisha Payne, the honorable Jonas Fay and Bezaleel Woodward, Esq. were appointed a committee to draw the out-lines of a plan to be pursued, for the further establishment of the state; and to lay a foundation for an answer to President Weare's letter to Governor Chittenden.

Committee adjourned till Monday next, two o'clock, P. M.

Monday, October 19th.—Committee met, according to adjournment. The committee, appointed on the 17th instant, made their report, as on file; which was repeatedly read, and approved. And thereupon

VOTED, That this committee, having taken into their consideration the matters contained in the letter from the honorable Meshech Weare, Esq. President of the Council of New-Hampshire, to his Excellency Governor Chittenden, &c. agree to report to the general assembly the measures proposed by their sub-committee, as having, in their opinion, the most effectual tendency for the further establishment of this state.—Which were reported accordingly: and are as follows, *viz.*

STATE OF VERMONT, *Windsor, October 19th, A. D.* 1778.

To the committee, consisting of the Governor, Deputy Governor, Council and House of Representatives.

Your committee, appointed to draw the out-lines of a plan to be pursued for the establishment of the state, beg leave to propose as follows, *viz.*

First. That a declaration be drawn up, setting forth the political state of the grants, on both sides of Connecticut river, from the time of their being granted—*viz.* that the grants were taken as being under jurisdiction of the government of New-Hampshire; where the grantees expected to have remained:—that the King of Great-Britain, under the influence of false and ex-parte representation, passed a decree in Council, A. D 1764, that part of the grants should be under the control of the government of New-York:—that said decree was, in its nature, void, from the beginning, on account of the undue influence, under which it was obtained: and that the whole of said grants were, consequently, *of right*, under the same jurisdiction, as before said decree took place—but the Governor of New-Hampshire, not exercising jurisdiction over those, west of the river, they remained, *part* under the jurisdiction of the government of New-York, but the *greater part* in opposition thereto, till near the time of the declaration of independence of the United States, by which the whole of the grants became unconnected with any state; and had an opportunity to assert, and enter on, measures to support their just rights, and were at liberty to unite together, or with any other state, which might agree to receive them. In this situation, the inhabitants on the grants, west of the river, (already determined, by the cruel treatment they received from New-York, not to be under the control of that state,) entered on measures for establishing government among themselves; and a considerable number of towns on the grants, east of the river, after various ineffectual endeavors to unite with New-Hampshire, on such principles as they esteemed just and equitable, united with the grants, west of the river on the plan of government, which they had adopted; and with them have solemnly covenanted to support each other in said government. And as, by their situation and agreement, in manners, habits, &c. they conceive they are called upon, and warranted, to set up and maintain civil government in a distinct state; and as those grants ought not to be divided between New-York and New-Hampshire, or any other way, merely to serve interested views; they are unanimously determined, in every prudent and lawful way, to maintain and support, entire, the state as it now stands.

Second. That proposals be made to New-Hampshire, that those towns only, which lie west of the *Mason claim*, and which shall accede to a union with this state, agreeable to a resolve of assembly at their session, at Bennington, the eleventh day of June last, be admitted to a union with this state. And, in case New-Hampshire shall not agree thereto, or to some line that shall be agreed on, as an equivilent, that they agree to a submission of all matters of complaint and dispute in the premises, to congress, for a decision; the grants being allowed equal privileges as the state of New-Hampshire, in supporting their cause—or that they submit the matter to any court, that may be agreed on, and constituted by the parties, for a decision; saving to themselves, in the trial, all right, privilege and advantage, which they had, or might have, by any former grant, jurisdiction, power and privilege, on account of any former situation or connection with any province or state, heretofore had; and notwithstanding any subsequent transactions.

Third. That a committee be appointed to draw these proposals at large, and report them to this assembly; that they may be transmitted to the council and assembly of New-Hampshire, desiring their answer; and that copies thereof be transmitted to congress, and to other states for their information, and for the vindication of our conduct; also to all the towns on the said grants.

Fourth. That the general assembly proceed to erect courts, and enact laws and regulations for the support of government; as far as the circumstances of the state will admit.

By order, THOMAS CHITTENDEN, *Chairman.*

The joint committee, then, dissolved.

Attest, BEZALEEL WOODWARD, *Clerk.*

In General Assembly, Monday, October 19th.

The joint committee of Governor, Lieutenant Governor, Council and Assembly, made their report, as before mentioned, and the consideration thereof, was deferred till to-morrow.

Tuesday, October 20th.

The report of the joint committee of Governor, Lieutenant Governor, Council and Representatives, made yesterday to this assembly, was read, and approved; and thereupon,

Resolved, That the first and second articles, in the report of measures proposed by the joint committee, be transmitted to the President of the honorable Continental Congress, and to the President of the Council of New-Hampshire, with proper letters accompanying them.

Resolved, That Col. Payne, Mr. Jones and Mr. Woodward, be a committee, to join a committee from the council, to make a draft of the above mentioned letters, to be laid before this assembly.

Resolved, That a committee be chosen, by ballot, to draw up the proposed declaration at large, to be laid before this assembly.

Chose Col. Allen, Col. Payne, Dr. Fay, Mr. Woodward and General Bayley, a committee for the above mentioned purpose.

Resolved, That the two first articles, in the report of measures proposed to be pursued, for the establishment of the state, be printed in hand bills, and transmitted to all the towns on the New-Hampshire grants.

Resolved, That Mr. Nathaniel Robinson, Col. Payne, Mr. Woodward, Capt. John Fassett, jun. Mr. Post, Capt. Throop, Capt. Ebenezer Curtiss, Maj. Bayley and Mr. Wells, be a committee, to join a committee from the council to draw a bill to be laid before this assembly, for dividing the state into four counties.

Wednesday, October 21st.

The following questions were proposed, and answered, as herein stated.

Question 1st. Whether the counties, in this state, shall remain as they were established by this assembly, at their sessions in March last?

Yeas 35, viz.

Capt. Noble,
Capt. John Fassett,
Mr. Millington,
Capt. John Fassett, jun.
Mr. Thomas,
Mr. Bradley,
Capt. Gideon Ormsbee,
Mr. Powell,
Capt. Underhill,
Mr. Moses Robinson,
Mr. Adams,
Mr. Rowley,
Mr. Ward,
Mr. Lewis,
Mr. Post,
Mr. Belknap,
Capt. Jonathan Fassett,
Capt. Powers,
Mr. Foot,
Capt. Starr,
Mr. Wells,
Mr. Hamilton,
Capt. Knight,
Col. Fletcher,
Mr. Nathaniel Robinson,
Mr. Webb,
Mr. Scott,
Capt. E. Curtiss,
Mr. Gallup,
Capt. Williams,
Capt. Throop,
Capt. Hodges,
Mr. Harris,
Mr. Miles,
Mr. Cooper,

Nays 26, viz.

Col. Walbridge,
Mr. Jackson,
Mr. Alvord,
Mr. Aiken,
Mr. Tilden,
Mr. Bartholomew,
Mr. Smith,
Mr. Benjamin Baldwin,
Mr. Nutting,
Mr. Foster,
Mr. Estabrook,
Capt. Wheatley,
Capt. Turner,
Mr. Freeman,
Capt. Woodward,
Mr. Thomas Baldwin
Col. Payne,
Mr. Chandler,
Maj. Bayley,
Capt. Young,
Mr. Curtiss,
Capt. Hatch,
Mr. Parkhurst,
Mr. Harvey,
Maj. Chandler,
Mr. Woodward.

The following reasons were assigned by those on the negative of the foregoing question, and inserted by their desire, *viz.*

We, whose names are hereunto annexed, being entered as nays, on the foregoing question, hereby assign our reasons for thus voting.

First. Because the whole State of Vermont was, (by the establishment referred to in the question) in March last, divided into two counties only; which was previous to the union of the towns, east of Connecticut river, with this state; and, consequently, they never have been annexed to any county in the state; and, therefore, will thereby, be put out of any protection or privileges of said state; which we conceive to be inconsistent with the 6th section of the bill of rights, established as part of the Constitution.

Second. Because the affirmative of the question is in direct opposition to the report of the committee of both houses (of the 19th inst.) on the subject; which was confirmed by a resolve of Assembly yesterday; as may appear by the report of said committee, and resolves of the house thereon; reference thereto, being had.

Elisha Payne,
Stephen Tilden,
Bela Turner,
Thomas Baldwin,
Benjamin Baldwin,
Abraham Jackson,
Tim. Bartholomew,
Abner Chandler,
Bezaleel Woodward,
John Wheatley,
Jonathan Freeman,
John Young,
Abel Curtiss,
Ebenezer Walbridge,
John Nutting,
Frederick Smith,
James Bayley,
Alexander Harvey,
David Woodward,
Edward Aiken,
Nehemiah Estabrook,
Joseph Hatch,
Joseph Parkhurst,
Reuben Foster.

Question 2d. Whether the towns, east of Connecticut river, included in the union with this state, shall be included in the county of Cumberland?

Question 3d. Whether the towns on the east side of Connecticut river, who are included, by union, within this state, shall be erected into a distinct county by themselves?

Yeas 28, *viz.*

Col. Walbridge,
Mr. Jackson,
Mr. Alvord,
Mr. Aiken,
Mr. Tilden,
Mr. Parkhurst,
Mr. Bartholomew,
Mr. Smith,
Mr. Benjamin Baldwin,
Mr. Nutting,
Mr. Foster,
Mr. Estabrook,
Capt. Wheatley,
Capt. Turner,
Mr. Lewis,
Mr. Freeman,
Capt. Woodward,

Nays 33, *viz.*

Capt. Noble,
Capt. John Fassett,
Mr. Millington,
Capt. John Fassett, jun.
Mr. Thomas,
Mr. Bradley,
Capt. G. Ormsbee,
Mr. Powell,
Capt. Underhill,
Mr. Rowley,
Mr. Moses Robinson,
Mr. Adams,
Mr. Belknap,
Mr. Ward,
Mr. Post,
Capt. Jonathan Fassett,
Capt. Powers,

Mr. Thomas Baldwin,
Capt. Young,
Mr. Abel Curtiss,
Capt. Hatch,
Col. Payne,
Mr. Harvey,
Mr. Chandler,
Mr. Woodward,
Maj. Bayley,
Col. Morey,
Capt. Ormsbee.

Mr. Foot,
Capt. Starr,
Mr. Wells,
Mr. Hamilton,
Capt. Knight,
Col. Fletcher,
Mr. N. Robinson,
Mr. Webb,
Mr. Scott,
Cap. E. Curtiss,
Capt. Williams,
Capt. Throop,
Capt. Hodges,
Mr. Harris,
Mr. Miles,
Mr. Cooper.

We, whose names are under written, were on the affirmative of the two last foregoing questions, because, the negative being passed, the towns on the east side of Connecticut river, who are included, by union, with this state, are thereby effectually debared from all benefit, protection and security of the commonwealth of *Vermont*, in violation of the sixth article in the bill of rights, which is established as part of the constitution of said state; and in violation of the public faith of said state, pledged by their general assembly, at Bennington, June 11th, 1778; and also a resolve of this assembly passed yesterday, whereby the towns, east of the river, which were received into union with said state, were entitled to all the privileges and immunities, vested in any town in said state; as by said resolutions may appear, reference thereto being had.

Elisha Payne,
Stephen Tilden,
Bela Turner,
Thomas Baldwin,
Benjamin Baldwin,
Abraham Jackson,
John Nutting,
Abner Chandler,
Abner Lewis,

Bezaleel Woodward,
John Wheatley,
Jonathan Freeman,
John Young,
Abel Curtiss,
Ebenezer Walbridge,
Joseph Parkhurst,
Ichabod Orsmbee,

James Bayley,
Alexander Harvey,
David Woodward,
Edward Aiken,
Nehemiah Estabrook,
Joseph Hatch,
Israel Morey,
Elijah Alvord.

Resolved, That the following matters be printed, for the perusal of the several towns represented in this assembly. *viz.*

A list of the names of representatives, who have attended this assembly, with their towns annexed.

The resolution of the house by which the joint committee was formed.

The report of the joint committee on the 19th inst.

The proceedings of assembly thereon, yesterday.

The resolution passed yesterday, respecting division of counties.

And the whole of the proceedings of Assembly, passed this day, together with the reasons annexed by dissentients.

Extracted from the Journals and compared.

By BEZALEEL WOODWARD, *Clerk.*

The unanswerable appeal contained in the communication of President Weare to Governor Chittenden, together with the report of Ethan Allen, seem, at length, to have brought the Legislature of Vermont to a stand, on the subject of the union. The votes, which we have recorded, plainly evinced a determination to proceed no further in the hazardous experiment.

These proceedings, however, produced great excitement in the feelings of the minority. This minority consisted of the members from the towns east of Connecticut river, and sundry members from the vicinity of the river, in Vermont. Not contented with entering their reasons on the journals of the assembly, they drew up, and presented to that body, a more formal protest; in which they were joined by the Lieutenant Governor, and two of the Council. This protest is as follows.

STATE OF VERMONT, ss. } *Windsor, October 22d, A. D.* 1778.

We, whose names are under written, members of the Council and general assembly of said state, beg leave to lay before the assembly the following, as our protest and declaration against their proceedings on Wednesday the twenty-first inst. in passing the three following votes or resolutions, *viz.*

First. "That the counties, in this state, shall remain as they were established by the Assembly of this state in March last."

Second. "That the towns on the east side of the river, included in the union with this state, shall not be included in the county of Cumberland."

Third. "That the towns, on the east side of the river, shall not be erected into a distinct county by themselves."

As by said votes on the journals of the house may appear. Which votes are illegal, and in direct violation of the Constitution of this state, and the solemn engagements and public faith pledged by the resolutions of said assembly; as by the following observations will plainly appear, *viz.*

1. That as the towns, on the east side of said river, were never annexed to any county in said state, they are, consequently, by said votes, entirely excluded the liberties, privileges, protection, laws and jurisdiction of said state; all which were granted them by the state, by an act or resolve of assembly, passed at Bennington, in June last, containing the union and confederation of the state and said towns; by which act or resolve of assembly, every town included in the union, received, by grant from the then state of Vermont, all the rights, powers and privileges of any other town in said state; which they cannot be deprived of, without their consent; as it is a maxim that *the grantor or grantors cannot re-assume their grant, without the surrendry of the grantee or grantees.*

2. That said votes are in direct opposition to a solemn resolution of this assembly, passed the 20th inst. establishing the report of the committee of both houses; in which report the assembly have solemnly covenanted to defend the whole of the state, entire, as it then was, including said towns.

3. That, by the Constitution of the State, especially the sixth article in the bill of rights, government is instituted, or declared to be, a right of every part of the community, and not a part only——Said votes, therefore, are a violation of the Constitution.

4. That, so far as the assembly have power, they have, by said votes, totally destroyed the confederation of the state, by depriving those towns, included in the union, of the exercise of any jurisdiction, power or privilege, granted them in the confederation, by which the towns in the state are combined and held together as one body.

And as no political body can exercise a partial jurisdiction, by virtue of a confederation or agreement of the people to exercise government over the whole; it is, therefore, either void, or destroys both the confederation and Constitution.

We do, therefore, hereby publicly declare and make known, that we cannot, consistent with our oaths and engagements to the state, (so long as said votes stand and continue in force,) exercise any office or place, either legislative, executive, or judicial, in this state; but look upon ourselves as being thereby discharged from any, and every, former confederation and association with the state.

J. Marsh, D. Governor,
Elisha Payne,
Stephen Tilden,
Bela Turner,
Abner Chandler,
Benjamin Spaulding,
John Nutting,
Benjamin Baldwin,
Thomas Baldwin,

Peter Olcott, Assistant,
Bezaleel Woodward,
John Wheatley,
Jonathan Freeman,
Ichabod Ormsbee,
Reuben Foster,
Joseph Parkhurst,
Abel Curtiss,
John Young,

Thos. Moredock, Assist.
James Bayley,
Alexander Harvey,
David Woodward,
Elijah Alvord,
Frederick Smith,
Israel Morey,
Nehemiah Estabrook,
Joseph Hatch.

The protesting members immediately withdrew from the Legislature, leaving, in the Assembly, a number barely sufficient to constitute a quorum. This number proceeded to finish the business of the session, and adjourned, on the 24th of October, after having provided, by the following resolution, for ascertaining the sense of the people on the subject of the union.

"*In General Assembly*, *Windsor*, *October* 23*d*, 1778.

Resolved, That the members of this Assembly lay before their constituents, the situation of the union subsisting between this state and sixteen towns, east of *Connecticut* river; and be instructed how to proceed relative to said union, at the next session of this assembly.

Whereas there are several inhabited towns in this state, that have not been represented in this assembly, according to constitution; and others, whose representatives have withdrawn themselves, and refuse to take a seat in this house:

Therefore, *Resolved*, That the constable or constables of each respective town in this state, that is not fully represented, according to constitution, and of each respective town whose representatives still refuse to take their seats, be, and are hereby directed to warn all the freemen of their respective towns to meet together at some convenient time and place, by them appointed, within such towns, before the next adjourned session of assembly, and make choice of a representative or representatives to attend the assembly, at their adjourned session, to be holden at Bennington, on the second Thursday of February next."

The excited feeling, which produced the secession of the protesting members, urged them to measures of a more alarming character. They immediately assembled, and made arrangements for the meeting of a convention; to which they invited all the towns, in the vicinity of Connecticut river, to send delegates.* This convention met at Cornish, in the state of New-Hampshire, on the 9th of December, 1778. The only account of their proceedings, which we have been able to find, is contained in the following abstract of their proposals to the state of New-Hampshire.

1. "To agree upon and settle a dividing line between New-Hampshire and the grants, by committees from each party, or otherwise, as they may mutually agree.

Or, 2. That the parties mutually agree in the appointment of a court of commissioners of disinterested, judicious men, of the three other New-England states, to hear and determine the dispute.

Or, 3. That the whole dispute with New-Hampshire be submitted to the decision of Congress, in such way and manner as Congress, in their wisdom, shall prescribe.

Provided always, That the grants be allowed equal privileges with the other party, in espousing and conducting their cause.

Or, 4. If the controversy cannot be settled on either of the foregoing articles, and in case we can agree with New-Hampshire upon a plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire state, rejecting the arbitrary line drawn on the western bank of Connecticut river, by the King of Great-Britain, in 1764."

The people of Vermont were now fully awake to their danger. The impolicy, as well as injustice of aiding in the dismemberment of New-Hampshire, became too apparent, to admit a doubt as to the course proper to be pursued. They were wise enough to retrace their steps, and rid themselves of a connexion which threatened their ruin. Accordingly, on the second day of the following session, the assembly of Vermont dissolved the union; as will appear by the following extract from the journal of their proceedings.

"*In General Assembly, February* 12*th*, 1779.

Resumed the consideration of the union between this state and sixteen towns, east of Connecticut river; when, the instructions of the freemen of this state to their representatives, concerning said union, being examined, it appears that they are instructed to recede from such union. Therefore, *Resolved*, that Mr. Hibbert and Mr. Wells be a committee to join a committee from the council, to prepare a draught relative to dissolving the union between the sixteen towns, before mentioned, and this state; and report thereon to this House.

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* Williams.

The committee appointed to prepare a draught relative to dissolving the union with sixteen towns, east of Connecticut river, with this state, brought in the following report, *viz.*

Whereas, in consequence of a representation made to the general assembly of this state, at their session at Windsor, in March 1778, by a committee, consisting of seven persons, inhabiting several towns, lying contiguous to the east side of Connecticut river, that a number of inhabited towns, east of said river, were then unconnected with any state, in regard to their internal police: and, on said committee's application to the general assembly, that the said towns might be admitted into union with this state, orders were issued by the assembly to the representatives' constituents, for instructions in the premises:

And whereas, in consequence of such instructions, the representatives of said constituents, when met, at their adjourned session, at Bennington, on the eleventh day of June last, did receive into union with said state, sixteen towns, east of said Connecticut river, and grant leave for other towns to unite, if they should choose:

And whereas, a dispute has arisen, in respect to the right New-Hampshire have to exercise jurisdiction over those sixteen towns, as claimed in a letter to his Excellency Thomas Chittenden, Esq. by Meshech Weare, Esq. President of the Honourable Council of the state of New-Hampshire, dated August 22d. 1778:

And whereas, the general assembly of this state did, at their session at Windsor, in October last, agree on certain methods (contained in the report of the grand committee of both houses) to settle and adjust the dispute with New-Hampshire; nevertheless, the measures to be pursued to effect those methods, were rendered impracticable by the members, east of said river, withdrawing themselves from the house, in an unconstitutional manner, and forming a convention, in direct violation of the most solemn oaths and obligations into which they had entered, declaring themselves discharged from any and every former confederation and association with this state:

And whereas, your committee have just grounds to apprehend that the said sixteen towns are, of right, included within the jurisdiction of New-Hampshire; they are, therefore, of opinion, that the said union ought to be considered as being null, from the beginning.

JONAS FAY, *Chairman of Committee.*

The above draught being read, was accepted, and this house do, thereupon, resolve that the said union be, and is hereby dissolved, and made totally void, null and extinct: and that his Excellency the Governor be, and he is hereby directed to communicate the foregoing draught, and resolve thereon, to the President of the Council of the state of New-Hampshire."

The foregoing report and resolution were transmitted to New Hampshire, by Ira Allen, Esq. who presented the same to the President and Council of that state, on the 20th of March following. On his arrival, he found an effort was making to carry into effect the proposals of the Cornish convention; as appears by the following petition.

To the Honourable the President in Council, and the Representatives of the State of New-Hampshire, in General Assembly convened—The subscribers hereto, beg leave to represent,

That a large number of charters of incorporation of certain tracts of land, were formerly issued from their Excellencies Benning Wentworth and John Wentworth, Esqrs. in the name of the King of Great-Britain, lying and being west of the Mason grant, and east of a north line, drawn from the north-west corner of the now state of the Massachusetts-Bay, to Lake Champlain, and from thence to the latitude of forty-five degrees.—That in the year 1764, the aforesaid King of Great-Britain, in violation of his contract with the grantees, and in an arbitrary manner, passed a decree, that there should be a division of the aforesaid grants between the then Province of New-York and New-Hampshire; to which decree, the inhabitants of said grants were then, and have, ever since, been averse; as they were, thereby, deprived of privileges which they, of right, claimed, and, in their settlement, reasonably expected, within the jurisdiction of New-Hampshire.—That the inhabitants aforesaid, since the declaration of independence, view themselves at liberty to connect in one body politic, or unite with any other state.—That they are now, in general, desirous of an union with the state of New-Hampshire. That the representatives of the people, in assembly, on the 20th of October last, voted, that a defence of the rights of the people be stated by a committee appointed for that purpose, and that answers to some letters, &c. be drafted by said committee.—Also, that offers be made to the state of New-Hampshire, either to settle a boundary line between said New-Hampshire and the grants, by a committee mutually chosen, or in such way as Congress may point out; or to make an offer of the whole of said grants to New-Hampshire.

That on the 9th day of December last, by a convention of committees delegated by the inhabitants of said grants,* it was voted, that proposals of an union with said New-Hampshire be made to the assembly of said state.

In consequence whereof, we, the subscribers, being duly authorised for that purpose, do now propose to this honourable court, that the whole of said grants be connected and confederated with said state of New-Hampshire, receiving and enjoying equal privileges and immunities with the good people of said state.

Dated at Newbury, this 17*th day of March,* 1779.

JACOB BAILEY.
DAVENPORT PHELPS.

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* There were but eight towns in Vermont, represented in this convention—Williams.

The following are the proceedings of the Legislature of New-Hampshire, on the foregoing petition.

STATE OF NEW-HAMPSHIRE

In the House of Representatives, April 2d, 1779.

The committee on the petition of Gen. Balley and Mr. Phelps, relating to the New-Hampshire grants, so called, reported, that this state should lay claim to the jurisdiction of the whole of the New-Hampshire grants, so called, lying to the westward of Connecticut river, setting forth the right this state has to the same: allowing and conceding, nevertheless, that if the honourable Continental Congress shall allow the said grants, to the westward of Connecticut river, to be a separate state, as now claimed by some of the inhabitants thereof, by the name of Vermont, that in such case the state of New-Hampshire will acquiesce therein.—And that this state shall exercise jurisdiction as far west as the western bank of Connecticut river, and no further, until the dispute is settled by Congress.

By order of the major part of the committee,

(SIGNED) JOSIAH BARTLET, *Ch.*

Which report being read and considered—Voted, That it lie for further consideration, until the next session of the general assembly of this state.

Sent up for concurrence,

JOHN LANGDON, *Speaker.*

In Council the same day, read, and concurred.

E. THOMPSON, *Sec'ry.*

STATE OF NEW-HAMPSHIRE.

In the House of Representatives, June 24th, 1779.

The house, by vote, took under consideration the report of the committee of the second day of April last, which was, at that session, voted to lie for consideration until this session, relative to the New-Hampshire grants, &c. And the question being put, whether the report of the said committee be received and accepted, or not? It passed in the affirmative.

Sent up for concurrence,

JOHN LANGDON, *Speaker.*

In Council, the 25th of June, 1779, read and concurred.

E. THOMPSON, *Sec'ry.*

Between the claims of New-York, on the one hand, and New-Hampshire, on the other, Vermont was now reduced to a situation extremely embarrassing; and, to add to the embarrassment, Massachusetts also, laid claim to a part of her territory.

At this critical moment, when the state was thus threatened with annihilation, events took place, in the county of Cumberland, which gave a new impulse to the controversy with New-York. A party had always existed in that county, opposed to the independence of Vermont; and yielding, hitherto, but a reluctant submission to its authority. A convention was organized from the disaffected, which met at Brattleboro, on the 4th of May, 1779, and addressed the Governor of New-York in the following petition.

To His Excellency George Clinton, Esq. Governor of the State of New-York, General and Commander in Chief of all the Militia, and Admiral of the Navy of the same.

The Petition of the Committees of the towns of Hinsdale, Guilford, Brattleborough, Fulham, Putney, Westminster, Rockingham, Springfield, and Weathersfield, in Cumberland County, chosen for the purpose of opposing the pretended State of Vermont, and convened at Brattleborough, the 4th May, 1779.

HUMBLY SHEWETH,

That there being a numerous party, in avowed opposition to legal authority, your petitioners, and others, have been compelled to submit, though reluctantly, to live without the benefits arising from a well regulated government. They have been destitute of the regular means of punishing the most atrocious offenders, and of compelling the execution of private justice. In short, they are, and for a long time have been, in such anarchy, that even committees, where they do exist, are without power.

In this distracted condition your petitioners have waited, with much impatience, the leisure of the grand council of the American empire, to whose authority alone, these deluded men pretend submission. We had no doubt, as we understood application had been made for the purpose, but Congress would use the first moment they could spare from more important concerns, to recommend to the revolted subjects of the state, a return to their allegiance.—We are encouraged to expect it; not only as the revolt established a precedent which might be dangerous in other states, and as the continent could derive no assistance, of consequence, from the grants, either in men or money, while they remain under a disputed government; but because the states had confederated for their general and mutual welfare, and bound themselves to assist each other against all force offered to, or attacks made upon, any of them, on account of sovereignty, or any other pretence whatsoever. But, to our very great surprise and concern, Congress have not, as far as we can learn, done any thing since the year 1776, in a matter of so great moment to the peace and harmony of the confederated states.

That the partizans for a new state, have confiscated and sold, and are selling many valuable real and personal estates.

That they have attempted, repeatedly, to exercise judicial and military authority over those who continue loyal to the state of New-York; and have, very lately, had the assurance to take the cattle of those who refused to comply with their illegal orders. They have also assessed, and endeavoured to collect money from those who do not admit the validity of their authority, and have been restrained only by force. In some instances, they have intimidated the subjects of New-York state to give up their property, rather than to contend with them.

They have also made prisoner of a magistrate, acting under the authority of the state of New-York, in a matter which no way concerned the subjects of the pretended state of Vermont, and compelled him to give bond in the penalty of one thousand pounds, lawful money of New-England, conditioned for his appearance before their superior court, in June next. In fine, from the general tenor of their conduct, they now appear determined, at all events, to enforce submission to their government.

That the subjects of the state of New-York here, cannot long endure their present unhappy situation, and have only the state to which they owe allegiance, to look up to, for succour, in this critical and calamitous hour. The protection of individuals, and their property, we esteem the principal end of government; that protection we have a right to claim, in return for our allegiance. And, we have, besides, the solemn engagements of the Legislature, to concur in the necessary measures for protecting the loyal inhabitants of the state, residing in the counties of Albany, Charlotte, Cumberland and Gloucester, in their persons and estates.

Your petitioners were in hopes, that the disaffected party would not have reduced them to the disagreeable necessity of applying for protection, during the continuance of the war with Great-Britain; but our present circumstances loudly demand the speedy and effectual execution of the promise made by the Legislature. We shall, otherwise, be compelled to obey a government, which we view as an usurpation, and add our strength to oppose one, which we conceive entitled to our dutiful obedience and support.

Your petitioners, therefore, humbly, and in the most urgent and earnest manner, on behalf of themselves and their constituents, intreat, that your Excellency will take immediate and effectual measures for protecting the loyal subjects of this part of the state in their persons and properties, and to convince the honourable Congress, of the impropriety of delaying a publication of their sentiments, in a matter which so nearly concerns the peace, welfare, and, probably, the lives of many of their firm adherents.——And your petitioners, as in duty bound, shall ever pray, &c.

By order of the committee,

SAMUEL MINOTT, *Chairman,*

Brattleborough, May 4th, 1779.

About this time, a military association appears to have been formed in the county of Cumberland, for the purpose of resisting the government of Vermont. Ethan Allen was directed, by the Governor, to raise the militia for the purpose of suppressing it. Upon receiving intelligence of this, Col. Patterson, who held a commission in that county, under the authority of New-York, addressed Governor Clinton, on the 5th of May, requesting directions how to proceed, and suggesting the necessity of sending the militia of Albany county to his assistance.*

The Governor of New-York answered this communication, and the foregoing petition, with assurances of protection; recommending that the authority of Vermont should, in no instance, be acknowledged, except in the alternative of submission or inevitable ruin.*

On the 18th of May, the Governor of New-York wrote to the President of Congress, "that matters were fast approaching a very serious crisis, which nothing but the immediate interposition of Congress could possibly prevent; that he daily expected he should be obliged to order out a force for the defence of those who adhered to New-York; that the wisdom of Congress would suggest to them what would be the consequence of submitting the controversy, especially at that juncture, to the decision of the sword; but that justice, the faith of government, and the peace and safety of society, would not permit them to continue any longer, passive spectators of the violence committed on their fellow citizens."†

This letter, and sundry other papers, were laid before Congress; and the following proceedings were had thereon.

Tuesday, June 1, 1779.

According to the order of the day, Congress was resolved into a committee of the whole, and, after some time, the President resumed the chair; and Mr. Plater reported, that the committee of the whole have taken into consideration the letter of the 18th of May, from his Excellency Governor Clinton, the petition of the committee of Cumberland county, the letter of Col. Patterson to Governor Clinton, Governor Clinton's answer, &c. and have come to sundry resolutions thereon, which he was ordered to report:

The report being read, Congress, thereupon, came to the following resolutions:

Whereas divers applications have been made to Congress, on the part of the state of New-York, and of the state of New-Hampshire, relative to disturbances and animosities among inhabitants of a certain district, known by the name of "the New-Hampshire grants," praying their interference for the quieting thereof; Congress having taken the same into consideration,

Resolved, That a committee be appoinsed to repair to the inhabitants of a certain district, known by the name of the New-Hampshire grants, and enquire into the reasons why they refuse to continue citizens of the respective states, which, heretofore, exercised jurisdiction over the said district; for that, as Congress are in duty bound, on the one hand, to preserve inviolate the rights of the several states, so on the other, they will always be careful to provide that the justice due to the states, does not interfere with the justice, which may be due to individuals:

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* Williams' history.

† Abstract of Gov. Clinton's letter, in Williams' history.

That the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities, so prejudicial to the United States.

Resolved, That the further consideration of this subject be postponed until the said committee shall have made report.

Ordered, That they report specially and with all convenient speed.

Resolved, That to-morrow be assigned for electing the committee.

Resolved unanimously, That the President inform the Governor of the state of New-York, that a more early attention would have been paid to the pressing applications of that state, relating to the disturbances mentioned in his several letters, had it not been prevented by matters of the greatest importance; and that Congress will continue to pay equal attention to the rights of that state with those of other states in the union.

Wednesday, June 2d, 1779.

Resolved, That the committee to repair to the inhabitants of the New Hampshire grants consist of five, any three of whom to be empowered to act:

The members chosen, Mr. Ellsworth, Mr. Edwards, Mr. Witherspoon, Mr. Atlee and Mr. Root.

While this subject was engaging the attention of Congress, Allen marched with an armed force, and made prisoners of the Colonel and militia officers, who were acting under the authority of New-York.* This fact was immediately made known to Governor Clinton, and by him communicated to Congress, by letter of the 7th of June. The following are the proceedings of Congress thereon.

Wednesday, June 16th, 1779.

The committee, consisting of Mr. Jenifer, Mr. Armstrong and Mr. Sharpe, to whom was referred the letter of the 7th of June, from governor Clinton, brought in a report; whereupon,

Resolved unanimously, That the officers, acting under the state of New York, who were, lately, restrained of their liberty, by certain persons of a district, called the New-Hampshire grants, ought to be immediately liberated.

Resolved unanimously, That the committee appointed to repair to the inhabitants of a certain district, known by the name of the New-Hampshire grants, be directed to enquire into the matters and things contained in the letters of Governor Clinton of the 27th of May and of the 7th inst.

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* Williams' history.

and that copies of the said letters be transmitted to the said committee, and that they be directed to report specially to Congress.

Resolved unanimously, That it was not the intention of Congress, by their resolution of the 1st inst. nor ought the same or any other part thereof, to be construed to hold up principles subversive of, or unfavorable to the internal policy of any or either of the United States:

That as Congress expect very salutary effects from the appointment of the said committee, therefore, all further proceedings on Governor Clinton's letter be postponed until they report.

Of the Commissioners appointed by Congress to repair to Vermont, two only attended—Dr. Witherspoon and Mr. Atlee.

We learn from Williams' history, that they repaired to Bennington in June, and after several conferences with the friends of Vermont and New-York, they returned, without accomplishing the purpose of their mission. From the journals of Congress, we, merely, learn the fact, that they made a report to that body, on the 13th of July, 1779.

The controversies, arising out of the various claims to the territory of Vermont, had now become a subject of general attention. The important consequences involved in them, induced Congress again to take the subject under consideration; and on the 24th of September, the following important resolutions were adopted.

Friday, September 24th, 1779.

Congress took into consideration resolutions reported from the committee of the whole, which were agreed to, as follows:

Whereas, on the first day of June last, Congress, by a certain resolution, reciting "that whereas divers applications had been made to Congress, on the part of the state of New-York, and of the state of New-Hampshire, relative to disturbances and animosities among inabitants of a certain district, known by the name of the New-Hampshire grants," praying their interference for quieting thereof, did resolve, "that a committee be appointed to repair to the New-Hampshire grants, and enquire into the reasons why they refuse to continue citizens of the respective states, which, heretofore, exercised jurisdiction over the said district; for that, as Congress are in duty bound, on the one hand, to preserve inviolable the rights of the several states, so, on the other, they will always be careful to provide that the justice due to the states, does not interfere with the justice, which may be due to individuals: that the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities, so prejudicial to the United States:" and did farther resolve, "that the farther consideration of this subject be postponed until the said committee shall have made report."

And whereas it so happened, that a majority of the committee appointed in pursuance of the aforementioned resolution, did not meet in the said district, and, therefore, have never executed the business committed to them, or made a regular report, thereupon, to Congress:

Ordered, That the said committee be discharged.

And whereas the animosities aforesaid have lately proceeded so far, and risen so high, as to endanger the internal peace of the United States; which renders it indispensably necessary for Congress, to interpose for the restoration of quiet and good order.

And whereas one of the great objects of the union of the United States of America, is the mutual protection and security of their respective rights: and whereas it is of the last importance to the said union, that all causes of jealousy and discontent between the said states, should be removed; and therefore, that their several boundaries and jurisdictions be ascertained and settled: and whereas disputes, at present, subsist between the states of New-Hampshire, Massachusetts-Bay and New-York, on the one part, and the people of a district of country, called the New-Hampshire grants, on the other; which people deny the jurisdiction of each of the said states over the said district, and each of the said states claim the said district against each other as well as against the said people, as appertaining, in the whole or in part, to them, respectively:

Resolved unanimously, That it be, and hereby is, most earnestly, recommended to the states of New-Hampshire, Massachusetts-Bay and New-York, forthwith to pass laws, expressly authorizing Congress to hear and determine all differences between them, relative to their respective boundaries, in the mode prescribed by the articles of confederation, so that Congress may proceed thereon, by the first day of February next, at the farthest: and further, that the said states of New-Hampshire, Massachusetts-Bay and New-York, do, by express laws, for the purpose, refer to the decision of Congress, all differences or disputes relative to jurisdiction, which they may, respectively, have with the people of the district aforesaid, so that Congress may proceed thereon, on the first day of February next; and also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another or with either of the said states, respecting title to lands, lying in the said district, to be heard and determined in the mode prescribed for such cases, by the articles of confederation aforesaid: and further, to provide that no advantage be taken of the non-performance of the conditions of any of the grants of the said lands, but that further reasonable time be allowed for fulfilling such conditions.

Resolved unanimously, That Congress will, and hereby do, pledge their faith to carry into execution and support their decisions and determinations in the premises, in favour of whichsoever of the parties the same may be; to the end, that permanent concord and harmony may be established between them, and all cause of uneasiness removed.

Resolved unanimously, That Congress will, on the said first day of February next, proceed, without delay, to hear and examine into the disputes and differences relative to jurisdiction aforesaid, between the said three states respectively, or such of them as shall pass the laws before mentioned, on the one part, and the people of the district aforesaid, who claim to be a separate jurisdiction, on the other; and, after a full and fair hearing, will decide and determine the same according to equity; and that neither of the said states shall vote on any question relative to the decision thereof. And Congress do, hereby, pledge their faith to execute and support their decisions and determinations in the premises.

And whereas it is essential to the interest of the whole confederacy, that all intestine dissentions be carefully avoided, and domestic peace and good order maintained:

Resolved unanimously, That it is the duty of the people of the district aforesaid, who deny the jurisdiction of all the afore-named states, to abstain, in the mean time, from exercising any power over any of the inhabitants of the said district, who profess themselves to be citizens of, or to owe allegiance to, any, or either, of the said states: but that none of the towns, either on the east or west side of Connecticut river, be considered as included within the said district, but such as have, heretofore, actually joined in denying the jurisdiction of either of the said states, and have assumed a separate jurisdiction, which they call the state of Vermont. And further, that in the opinion of Congress, the said three states afore-named, ought, in the mean time, to suspend executing their laws over any of the inhabitants of the said district, except such of them as shall profess allegiance to, and confess the jurisdiction of, the same respectively. And further, that Congress will consider any violences committed against the tenor, true intent and meaning of this resolution, as a breach of the peace of the confederacy, which they are determined to keep and maintain. And to the end, that all such violences and breaches of the public peace may be the better avoided in the said district, it is, hereby, recommended to all the inhabitants thereof, to cultivate harmony and concord among themselves, to forbear vexing each other at law or otherwise, and to give as little occasion as possible to the interposition of magistrates.

Resolved unanimously, That, in the opinion of Congress, no unappropriated lands or estates which are, or may be, adjudged forfeited or confiscated, lying in the said district, ought, until the final decision of Congress in the premises, to be granted or sold.

Ordered, That copies of the aforegoing resolutions be sent by express, to the states of New-York, New-Hampshire and Massachusetts-Bay, and to the people of the district aforesaid, and that they be respectively desired to lose no time in appointing their agent or agents, and otherwise preparing for the hearings aforesaid.

The aforesaid resolutions being read over, and a question taken to agree to the whole,

Resolved, unanimously in the affirmative."

On the 2d of October, the first of the foregoing resolutions was amended, as follows.

Whereas in the first resolution of Congress of the 24th of September last, relative to a district of country, called "New-Hampshire Grants," is the following clause, viz.

"And also to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another, or with either of the said states, respecting title to lands, lying in the said district, to be heard and determined in the mode prescribed for such cases by the articles of confederation aforesaid:" and whereas no provision is made in the said articles of confederation for hearing and determining disputes between any state and the grantees of any other state:

Resolved unanimously, That the clause, above recited, be repealed.

Resolved unanimously, That it be, and hereby is recommended to the states of New-Hampshire, Massachusetts-Bay and New-York, to authorize Congress to proceed to hear and determine all disputes subsisting between the grantees of the several states aforesaid, with one another, or with either of the said states, respecting title to lands, lying in the said district, to be heard and determined by "commissioners or judges," to be appointed in the mode prescribed by the 9th article of the confederation aforesaid.

Ordered, That a copy of the preceding resolves be transmitted to the said states of New-Hampshire, Massachusetts-Bay and New-York, and also to the inhabitants of the New-Hampshire grants.

The foregoing resolutions were communicated, by express, to the Governor of Vermont, and laid before the Legislature, then in session. The following extracts from the journals of the assembly, will show the measures adopted by Vermont, on this occasion.

"STATE OF VERMONT, } *In General Assembly, October* 16*th*, 1779.

Resolved, That a committee of four be appointed, to join a committee from the Council, to form the out-lines of a plan to be pursued by this state for defence against the neighboring states, in consequence of the late acts of Congress, for that purpose.

Committee chosen—Gen. Ethan Allen, Mr. Jones, Mr. N. Clark, and Mr. Fassett."

" *October* 19*th*, 1779.

Resolved, That this assembly join with the Governor and Council, in a committe of the whole, to-morrow morning, to take into consideration several acts of the honourable the Congress, of the 24th of September last, relating to a settlement of all disputes between the states of New-Hampshire, Massachusetts-Bay and New-York, on the one part, and the state of Vermont on the other."

" *October* 20*th*, 1779.

The Assembly, with the Council, according to their resolution of yesterday, resolved, into a committee of the whole, to take into consideration several acts of the honorable the Congress, of the 24th September last, relating to a settlement of all disputes between the states of New-Hampshire, Massachusetts-Bay and New-York, on the one part, and the state of Vermont, on the other, &c.

The committee of the whole being dissolved, the speaker resumed the chair, and the house proceeded to business."

" *October* 21, 1779.

The committee of the whole brought in the following report, viz. 'Agreeable to the order of the day, his Excellency the Governor, the

Council and House of Representatives were resolved into a committee of the whole, to take into consideration the letter of the 25th ult. from his Excellency John Jay, Esq. late President of the Congress of the United States of America, inclosing certain acts of Congress, for an equitable settlement of all differences subsisting between the states of New-Hampshire, Massachusetts-Bay and New-York, on the one part, and this state, on the other; and, after some time spent thereon, the Governor resumed the chair, and the following resolutions, being read several times, were agreed to; viz.

Resolved unanimously, That it is the opinion of this committee, that this state ought to support their right to independence, at Congress, and to the world, in the character of a free and independent state.

Resolved, That this committee recommend it to the general assembly to make grants of all, or any part of the unappropriated lands within their jurisdiction, that does not interfere with any former grants, as their wisdom may direct.

Extract from the minutes,

JOSEPH FAY, *Clerk*.'

On motion made—*Resolved unanimously*, by this assembly, that they agree to the aforesaid report."

" *October* 22*d*, 1779.

Resolved, That five persons be chosen, by ballot, agents in behalf of the freemen of this state, to appear at the Congress of the United States of America, on the first day of February next; and that they, or any three of them, are, hereby, fully authorized and empowered, by the representatives of the freemen aforesaid, to vindicate their right to independence, at that honorable board.

And furthermore, our said agents, or any three of them, are, hereby, amply empowered to agree upon, and fully settle, articles of union and confederation, in behalf of this state, with the United States; which shall be binding on us, on our constituents, and our successors. And our said agents are hereby further empowered to transact all other political affairs of this state, at Congress, as a free and independent state; and report their proceedings herein, to this assembly, as soon as may be.

Agents chosen—Gen. Ethan Allen, the honorable Jonas Fay, and Paul Spooner, Esquires, Stephen R. Bradley, Esq. and the honorable Moses Robinson, Esq."

Massachusetts still persisting in her claim to a part of the territory of Vermont, his Excellency Governor Chittenden addressed the President of the Council of that state, as follows.

MANCHESTER, *October 28th*, 1779.

SIR,

I am directed by my Council and the General Assembly of this state, now sitting, to signify to your honor, that his Excellency John Jay, Esq. the late President of the Congress of the United States, has, by express, communicated a letter to me, bearing date the 25th ult. enclosing certain acts of Congress, for an equitable settlement of all differences subsisting between the state of Massachusetts-Bay, New-Hampshire and New-York, on the one part, and this state, on the other; by which I obtained the first intelligence of a claim being set up and continued, by Massachusetts state, over any part of this.

The General Assembly have been pleased to appoint the bearer, Brig. Gen. Allen, to wait on your honorable Council and General Court, to learn over what part of this state you mean to extend your claim, and how far you mean to carry such pretensions into execution, in the trial at Congress, on the first day of February next, agreeable to the acts of Congress, with which, I am informed, you are served with a copy. Every necessary step shall be invariably pursued, on my part, to bring about an equitable accommodation of all differences aforesaid, agreeable to the strict rules of justice and equity; which cannot be attended to, in my opinion, without an explicit acknowledgment of the independence of this state; for

First. Can any, even the least, reason be given for this state's being put under the jurisdiction of New-York, contrary to their will? Have not the inhabitants of Vermont suffered an infinity of evils, by New-York's pretending to exercise jurisdiction over them, when neglected by every friendly power on the continent, even the authority which gave them being, not excepted?

Second. Have not Vermont, for many years before the late revolution took place between Great-Britain and America, been forced to the last alternative, the absolute necessity of having recourse to arms, to defend their interest, purchased at the dearest rate; and of exhibiting that same spirit of patriotism, which has, so far, brought America out of a state of threatened slavery, into the fruition of freedom and liberty?

Third. Does not that same spirit of freedom now exist among the free citizens of Vermont, which is absolutely necessary to be continued, by the United States of America, in order to carry into execution the declaration of Congress, on the 4th of July, 1776? Surely it does.

Fourth. Can such a people be draged, or flattered, into a subjection to any one of the United States, or be divided to two or more of them, merely to allow them a stretch of jurisdiction, and thereby augment their power? Surely they cannot.

If you will please to lay this before your honorable Council and General Court, and write me your answer, by the bearer, the favor shall be ever gratefully acknowledged by,

Sir, your honor's most obedient humble servant,

THOMAS CHITTENDEN.

The honorable the President of the Council of Massachusetts State.

Vermont was now, literally, struggling for existence; a struggle requiring the exercise of no ordinary wisdom and firmness. Happily for her, she possessed statesmen, whose resources were equal to any emergency; and who would have done honor to any age or any country. They perfectly understood the ground on which rested the claim of Vermont to independence; and it is worthy of remark, that, even at the most trying periods, they were never betrayed into a single measure, evincing, in the slightest degree, a disposition to abandon it.

Sensible that the present crisis demanded an extraordinary effort, the Governor and Council, on the 10th of December, 1779, published "an appeal to the candid and impartial world."* In this appeal, they declare, "that they could not view themselves as holden, either in the sight of God or man, to submit to the execution of a plan, which, they had reason to believe, was commenced by neighbouring States:—that the liberties and privileges of the State of Vermont, by said resolutions, are to be suspended upon the arbitrament and final determination of Congress, when, in their opinion, they were things too sacred ever to be arbitrated upon at all; and what they were bound to defend, at every risk:—that the Congress of the United States had no right to intermeddle in the internal police and government of Vermont:—that the State existed independent of any of the thirteen United States, and was not accountable to them, or to their representatives, for liberty, the gift of the beneficent Creator:—that the State of Vermont was not represented in Congress, and could not submit to resolutions passed without their consent, or even knowledge, and which put every thing that was valuable to them, at stake:—that there appeared a manifest inequality, not to say predetermination, that Congress should request of their constituents, power to judge and determine in the cause, and never ask the consent of thousands, whose all was at stake. They also declared that they were, and ever had been, ready to bear their proportion of the burden and expence of the war with Great Britain, from its first commencement, whenever they were admitted into the union with the other states: but they were not so lost to all sense, and honour, that, after four years war with Britain, in which they had expended so much blood and treasure, they should now give up every thing worth fighting for—the right of making their own laws, and choosing their own form of government—to the arbitrament and determination of any man, or body of men, under heaven."

Contrary to the expectation of all parties, the subject was not moved, in Congress, on the first of February, 1780. On the 21st of March, it was taken up, and the following order made thereon.

"*Tuesday, March 21st*, 1780.

On motion, to proceed to the order of the day for taking into consideration the disputes and differences, relative to the jurisdiction of the states of New-York, Massachusetts-Bay and New-Hampshire, or such of them, as have passed laws, agreeably to a recommendation of Congress of the 24th of September last, on the one part, and the people of a certain tract of country, called the New-Hampshire grants, who claim to be a separate jurisdiction, on the other part.

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* This appeal was drawn up by the honorable Stephen R. Bradley. It was the editor's intention to have inserted it entire in this collection; but his utmost efforts to obain it, aided by the obliging attention of the author himself, have failed of success. For the abstract of it, which is here given, the editor is indebted to Williams' history.

Ordered, That the same be postponed; nine states, exclusive of those who are parties to the question, not being represented in Congress."

On the 2d of June, Congress resumed the consideration of the subject, and thereupon, came to the following resolutions.

"*Friday, June 2d*, 1780.

Congress resumed the consideration of the report of the committee on sundry papers respecting the New-Hampshire grants, and thereupon came to the folowing resolutions:

Whereas, it is represented to Congress, and by authentic evidence laid before them, it appears, that the people, inhabiting the district of country, commonly known by the name of the New-Hampshire grants, and claiming to be an independent state, have, notwithstanding the resolutions of Congress of the 24th of September, and 2d of October, proceeded, as a separate government, to make grants of lands and sales of estates, by them declared forfeited and confiscated; and have also, in divers instances, exercised civil and military authority over the persons and effects of sundry inhabitants, within the said district, who profess themselves to be citizens of, and to owe allegiance to, the state of New-York.

Resolved, That the acts and proceedings of the people inhabiting the said district, and claiming to be an independent state as aforesaid, in contravening the good intentions of the said resolutions of the 24th of September and the 2d of October last, are highly unwarrantable, and subversive of the peace and welfare of the United States.

That the people inhabiting the said district, and claiming to be an independent state, as aforesaid, be, and they hereby are, strictly required to forbear and abstain from all acts of authority, civil or military, over the inhabitants of any town or district, who hold themselves to be subjects of, and to owe allegiance to, any of the states, claiming the jurisdiction of the said territory, in whole or in part, until the decisions and determinations, in the resolution aforementioned, shall be made.

And whereas, the states of New-Hampshire and New-York have complied with the said resolutions of the 24th of September and the 2d of Ooctober last, and, by their agents and delegates in Congress, declared themselves ready to proceed in supporting their respective rights to the jurisdiction of the district aforesaid, in whole or in part, according to their several claims, and in the mode prescribed in the said resolutions: and whereas, Congress, by their order of the 21st of March last, did postpone the consideration of the subject of the said resolutions, nine states, exclusive of those who were parties to the question, not being represented; and by their order of the 17th of May last, have directed that letters be written to the states not represented, requesting them immediately, to send forward a representation.

Resolved, That Congress will, as soon as nine states, exclusive of those who are parties to the controversy, shall be represented, proceed to hear and examine into, and finally determine, the disputes and differences, relative to jurisdiction between the three states of New-Hampshire, Massachusetts-Bay and New-York, respectively, or such of them, as shall have passed such laws, as are mentioned in the said resolutions of the 24th of September and the 2d of October last, on the one part, and the people of the district aforesaid, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions."

On the 9th of June, the subject was again called up, and the consideration of it postponed; as appears by the following extract from the journals.

"*Friday, June 9th*, 1780.

Nine states being represented, exclusive of New-Hampshire, Massachusetts-Bay and New-York.

A motion was made by Mr. Livingston, seconded by Mr. Scott, agreeably to the resolution of the 2d instant, to proceed to hear and examine into, and finally determine, the disputes and differences, relative to jurisdiction between the three states of New-Hampshire, Massachusetts-Bay and New-York, respectively, or such of them, as shall have passed such laws, as are mentioned in the resolution of the 24th of September and 2d of October last, on the one part, and the people of the district, commonly known by the name of the New-Hampshire grants, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

But it being represented, on the part of New-Hampshire, that the agent specially appointed for that business, is not now present, and, from the great distance, cannot soon attend Congress;

On motion of Mr. Walton, seconded by Mr. Folsom,

Ordered, That the second Tuesday in September next, be assigned to proceed to hear, and examine into, and finally determine, the disputes and differences, relative to jurisdiction, between the three states of New-Hampshire, Massachusetts-Bay and New-York, respectively, or such of them, as shall have passed such laws, as are mentioned in the resolutions of the 24th of September and 2d of October last, on the one part, and the people of the district, commonly known by the name of the New-Hampshire grants, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions.

Ordered, That copies of the aforegoing order be sent to the states of New-York, New-Hampshire and Massachusetts-Bay, and to the people of the district aforesaid."

The foregoing resolutions were communicated to his Excellency Governor Chittenden, who laid the same before his Council; and on the 25th of July, addressed the President of Congress, as follows.

BENNINGTON, *July 25th*, 1780.

SIR,

Your Excellency's letter of the 10th ult. enclosing several acts of Congress, of the 2d and 9th of the same month, I accidentally received, the 6th inst. have laid them before my Council, and taken their advice thereon, and now beg your Excellency's indulgence, while I treat on a subject of such moment in its nature, and which so nearly concerns the citizens of this state.

However Congress may view those resolutions, they are considered by the people of this state, as being, in their nature, subversive of the natural rights, which they have to liberty and independence, as well as incompatible with the principles on which Congress ground their own right to independence; and have a natural, and direct tendency to endanger the liberties of America, which have, hitherto, been defended at great expence, both of blood and treasure.

Vermont's right to independence has been sufficiently argued, and the good consequences resulting to the United States, from its first assuming government, clearly vindicated, in sundry pamphlets, which have been, officially, laid before Congress. I beg leave to refer your Excellency to "Vermont's appeal," &c. particularly from the thirty second to the forty second page; in which, among other things, is contained a particular answer to the resolutions of the 24th of September, referred to in the resolves of the 2d of June last; and a denial of the authority of Congress over this state, so far as relates to their existence as a free and independent government.

I find, notwithstanding, by a resolution of the 9th ult. that Congress have assigned the second Tuesday of September next, to judge, absolutely, of the independence of Vermont, as a separate jurisdiction. Can Congress suppose this government are so void of reason, as not to discern that the resolves of the 2d and 9th of June aforesaid, so far as the authority of Congress may be supposed to extend to this state, are leveled directly against their independence?

Vermont, as before mentioned, being a free and independent state, have denied the authority of Congress to judge of their jurisdiction. Over the head of all this, it appears that Congress, by their resolutions of the 9th ult. have determined that they have power to judge the cause; which has, already, determined the essence of the dispute; for, if Vermont does not belong to some one of the United States, Congress could have no such power, without their consent; so that, consequently, determining they have such a power, has determined that Vermont have no right to independence; for, it is utterly incompatible with the rights and prerogatives of an independent state, to be under the control or arbitrament of any other power. Vermont have, therefore, no alternative; they must either submit to the unwarrantable decree of Congress, or continue their appeal to heaven and to arms.

There may, in future, be a trial at Congress, which of the United States shall possess this territory, or how it shall be divided among them: but this does not concern Vermont. And it is altogether probable that there have been proposals for dividing it between the state of New-Hampshire and New-York, the same as the King of Prussia, the Empress of Russia, and the Empress of Hungary divided Poland between those three powers; with this difference only, that the former are not in possession of Vermont.

The cloud that has hovered over Vermont, since the ungenerous claims of New-Hampshire and Massachusetts-Bay, has been seen, and its motions carefully observed by this government; who expected that Congress would have averted the storm: but, disappointed in this; and unjustly treated as the people, over whom I preside, on the most serious and candid deliberation, conceive themselves to be, in this affair, yet, blessed by heaven, with constancy of mind, and connexions abroad, as an honest, valiant and brave people, are necessitated to declare to your Excellency, to Congress, and to the world, that, as life, liberty and the rights of the people, intrusted them by God, are inseparable, so they do not expect to be justified in the eye of Heaven, or that posterity would call them blessed, if they should, tamely, surrender any part.

Without doubt, Congress have, previous to this, been acquainted, that this state has maintained several posts on its frontiers, at its own expence; which are well known to be the only security, to this quarter, of the frontier inhabitants of the states of the Massachusetts-Bay and New-Hampshire; and it is highly probable that Albany, and such parts of the state of New-York, as lie to the northward of that, would, before this time, have been ravaged by the common enemy, had it not been for the indefatigable exertions of this state, and the fears, which the enemy have been, and are still possessed of, that their retreat would be interrupted by the troops from those posts and the militia of this state.

Thus, by guarding the frontiers, has this state secured the friendship of part of the private gentlemen and yeomanry, even of those states, whose representatives, it seems, are seeking its destruction. And, having the general approbation of disinterested states, this people are, undoubtedly, in a condition to maintain government; but should they be deceived in such connexions, yet, as they are not included in the thirteen United States, but conceive themselves to be a separate body, they would still have in their power, other advantages; for they are, if necessitated to it, at liberty to offer, or accept, terms of cessation of hostilities with Great-Britain, without the approbation of any other man or body of men: for, on proviso that neither Congress, nor the Legislatures of those states, which they represent, will support Vermont in her independence, but devote her to the usurped government of any other power, she has not the most distant motive to continue hostilities with Great-Britain, and maintain an important frontier for the benefit of the United States, and for no other reward than the ungrateful one of being enslaved by them. True, Vermont have taken an active part in the war, subsisting between the United States and Great-Britain, under an expectation of securing her liberties; considering the claim of Great-Britain to make laws to bind the colonists, in all cases whatsoever, without their consent, to be an abridgment of the natural rights of mankind: and it appears that the said resolves of the 2d and 9th of June, are equally arbitrary, and that they furnish equal motives to the citizens of Vermont, to resist the one as the other; for, if the United States have departed from the virtuous principles upon which they first commenced the war with Great Britain, and have assumed to themselves the power of usurping the rights of Vermont, it is time, high time, for her seriously to consider what she is fighting for, and to what purpose she has been, more than five years last past, spilling the blood of her bravest sons.

This government have dealt with severity, towards the tories, confiscated some of their estates, imprisoned some, banished some, and hanged some, &c. and kept the remainder in as good subjection, as any state belonging to the union. And they have, likewise, granted unto worthy whigs, in the neighboring states, some part of their unappropriated lands; the inconsiderable avails of which, have been faithfully appropriated for the defence of the northern frontiers; which, eventually, terminates in the support of the interest, and securing the independence and sovereignty of the United States: and, after having faithfully executed all this, have the mortification to meet with the resentment of Congress, circulated in hand-bills and the New-York publick papers, representing their conduct, "in contravening the good intention of Congress, as being highly unwarrantable, and subversive of the peace and welfare of the United States." Those resolves serve only to raise the expiring hopes and expectations, and to revive a languishing flame, of a few tories and scismaticks, in this state, who have never been instrumental in promoting the common cause of America.

With regard to the state of the Massachusetts-Bay, they have not, as a legislative body, laid any claim to the territory of Vermont; nor have they enacted laws, judicially authorizing Congress to take cognizance thereof, agreeable to the before mentioned resolves; a majority of their legislative body considering such pretensions to be an infringement on the rights of Vermont; and, therefore, the state of the Massachusetts-Bay cannot be considered as a party in this controversy.

As to the state of New-Hampshire, although they have judicially authorized Congress to make a final adjudication of their late started and very extraordinary claim to the territory of Vermont, yet, by recurring back to the original proceedings between the two states, it appears, the General Court of New-Hampshire had, previous to laying the said claims, settled their boundary line with the state of Vermont, and established Connecticut river as the boundary between the respective governments; and, as far as the approbation of the government of New-Hampshire can go, have, previously, conceded to the independence of Vermont; the particulars of which are too prolix to be given in this letter, but are exhibited, at large, in a pamphlet, entitled "A concise refutation of the claims of New-Hampshire and Massachusetts Bay to the territory of Vermont," and which is herewith transmitted as a bar against the right of New-Hampshire to a trial for any part of Vermont.

The government of New-Hampshire, ever since the royal adjudication of the boundary line between them and the government of New York, in 1764, have cast the inhabitants of the contested territory, out of their protection, and abandoned them to the tyranny of New York: and have very lately, over the head of the settlement aforesaid, laid claim to the said territory, and enacted laws as aforesaid, to enable Congress to judicially determine the merit of said claim. How glaringly illegal, absurd and inconsistent, must their conduct as a legislative body, appear, in this respect. Such irregularity among individuals, arises from the ill government of the human passions; but when that takes place in publick bodies, it is unpardonable, as its influence is more extensive and injurious to society.

Hence it appears, legally speaking, neither the states of New-Hampshire or Massachusets-Bay, can be, with propriety, considered as parties in the controversy; and, consequently, New-York is left alone, a competitor with Vermont, even admitting Congress are possessed of sufficient authority to determine those disputes, agreeable to their resolutions; which, by this government, is, by no means, admissible.

Notwithstanding the usurpation and injustice of neighboring governments towards Vermont, and the late resolutions of Congress, this government, from a principle of virtue and close attachment to the cause of liberty, as well as a thorough examination of their own policy, are induced, once more, to offer union with the United States of America, of which Congress are the legal representative body. Should that be denied, this state will propose the same to the Legislatures of the United States, separately, and take such other measures as self-preservation may justify.

In behalf of the Council, I am, Sir,
Your Excellency's most obedient, humble servant,
THOMAS CHITTENDEN.*
His Excellency SAMUEL HUNTINGTON, *Esq. President of Congress.*

All parties now anxiously awaited the decision of Congress, on the second Tuesday of September: and although Vermont strenuously denied the authority of Congress to adjudicate upon the controversy, yet, two of her agents, the honorable Ira Allen and Stephen R. Bradley, proceeded to Philadelphia, to attend the deliberations.

The following extracts from the journals of Congress, exhibit the proceedings on this subject.

IN CONGRESS, *September* 12*th*, 1780.

"Nine states, exclusive of the states interested, not being represented. *Resolved*, That the order of the day, to proceed to hear and examine into, and finally determine, the disputes and differences, relative to jurisdiction, between the three states of New-Hampshire, Massachusetts-Bay and New-York, respectively, or such of them, as shall have passed such laws, as are mentioned in the resolutions of the 24th of September and the 2d of October last, on the one part, and the people of the district, commonly known by the name of the New-Hampshire grants, who claim to be a separate jurisdiction, on the other, in the mode prescribed in and by the said resolutions—be postponed till Thursday next, and that the members, in town, be notified to attend the house, at 10 o'clock, in the morning of that day."

"*September* 19*th*, 1780.

Resolved, That the order of the day, to proceed to hear and examine into, and finally determine, the disputes and differences, relative to jurisdiction, between the three states of New-Hampshire, Massachusetts-Bay and New York, respectively, or such of them, as have passed such laws, as are mentioned in the resolutions of the 24th of September and the 2d of October last, on the one part, and the people of the district, commonly known by the name of the New-Hampshire grants, who claim to be a separate jurisdiction, on the other, be postponed till six o'clock.

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* For this interesting letter, the editor is indebted to the hon. Stephen R. Bradley, who has furnished a copy, taken in 1780; on which is found the following memorandum—"Delivered Congress, Sept. 12th, 1780, and read, *eodem die*."

On motion of the delegates of New-York,

Ordered, That the secretary notify Messrs. Ira Allen, Stephen R. Bradley, Luke Knoulton, and Colonel Olcott, to attend this afternoon, on the hearing of the question, respecting the jurisdiction of the tract of country, commonly called the New-Hampshire grants.

Six o'clock, P. M.—Congress met, according to adjournment, and proceeded to hear, &c; the persons notified, attending; when the following papers were read:

The act of the state of New-York, passed October 21st, 1779, and the act of the state of New-Hampshire, of November, 1779, both passed, pursuant to the resolutions of Congress of September 24th and October 2d:

A commission to Ira Allen and Stephen R. Bradley, Esq'rs. dated August 16th, 1780, signed Thomas Chittenden, under a seal in the instrument, called the seal of the state of Vermont:

An appointment of Luke Knoulton, as agent on behalf of the inhabitants of Cumberland county, at a convention of the committees of the said county, Brattleborough, August 30, 1780, and signed John Sergeant, chairman *pro tempore.*

An appointment of Peter Olcott and Bezaleel Woodward, Esq'rs. agents from the towns in the northern parts of the New-Hampshire grants, on both sides of Connecticut river, being part of a district, known by the name of the state of Vermont, pursuant to a vote of a convention of members from the said towns, November 17th, 1779, signed Joseph Marsh, chairman of the said convention, and dated New-Hampshire grants, January 1, 1780.

The delegates of New-York, as agents for the state, delivered in sundry papers, which were read, with an intent to prove that the land, known by the name of the New-Hampshire grants, on the west side of Connecticut river, is within the limits of the state of New-York; that the state of New-Hampshire have acknowledged this, and that the people on the said tract have been represented in the Legislature of New-York, since the year 1764."

"*September* 20*th*, 1780.

Congress proceeded to the order of the day, the parties being present as yesterday, except the delegate for the state of New Hampshire, who was absent through sickness; when the state of New-York, by its delegates, proceeded in stating evidence to prove that the inhabitants of the tract of country, known by the name of the New-Hampshire grants, west of Connecticut river, as part of the state or colony of New-York, were duly represented in, and submitted to, the authority, jurisdiction and government of the Congress and convention of the said state, till late in the year 1777; and that, therefore, the people inhabiting the said tract of country have no right to a separate and independent jurisdiction."

"*September* 27*th*, 1780.

Congress proceeded in the order of the day, respecting the jurisdiction of the tract of country, commonly called the New-Hampshire grants, all the parties being present, except Ira Allen, and Stephen R. Bradley, who, being duly notified, declined to attend; when the agent for the state of New-Hampshire proceeded to state evidence tending to prove, that the tract of country, known by the name of the New-Hampshire grants, was within the state of New-Hampshire, and that, therefore, the people inhabiting the said tract of country, have no right to a separate and independent jurisdiction. The gentlemen appearing in behalf of sundry inhabitants of the said grants, having nothing to add, and pressing Congress to come to a determination, withdrew.

Resolved, That the farther consideration of the subject be postponed."

The agents of Vermont were indignant at this course of proceeding. They perceived that, in attempting to decide upon the controversy between New-York and New-Hampshire, Congress was adjudicating upon the very existence of Vermont, without waiting for her consent, or condescending to consider her as a party; thus, in effect, assuming the ground that she did not, in any sense, possess the attributes of sovereignty. They therefore withdrew their attendance, and immediately transmitted to Congress the following remonstrance.

To the Hon. the Congress of the United States of North America.

The remonstrance of Ira Allen and Stephen R. Bradley commissioners from the free and independent state of Vermont, appointed, for the time being, to attend on Congress.

With pleasure they embrace this first opportunity to testify their thanks for the personal honor done them by Congress, in giving them an attendance, though in a private capacity, with their honorable body: at the same time, lament the necessity which obliges them to say, they can no longer sit as idle spectators, without betraying the trust reposed in them, and doing violence to their feelings, to see partial modes pursued, plans adopted, ex-parte evidence exhibited, which derives all its authority from the attestation of the party; passages of writings selected, giving a very false representation of facts, to answer no other end but to prejudice your honorable body against the state of Vermont; thereby to intrigue and baffle a brave and meritorious people out of their rights and liberties.—We can easily conceive the secretary's office of the state of New-York, may be converted into an inexhaustible source, to furnish evidence to answer their purpose, in the present dispute.

Needless would it be for us to inform Congress, that by the mode of trial now adopted, the state of Vermont can have no hearing without denying itself: and to close with those resolutions, which we conceive our enemies have extorted from your honorable body, and on which the trial is now placed, would be, in fact, taking upon ourselves that humility and self-abasement, as to lose our political life, in order to find it.

We believe the wisdom of Congress sufficient to point out, that, pursuing the present mode, is deviating from every principle of the laws of nature, or nations: for, if the dispute is between the states claiming on the one part, and the state of Vermont on the other, whether the latter be a state *de jure*, as an independent jurisdiction *de facto*; they ought to be considered in the course of the dispute, until the powers interposing, have determined whether the latter be an independent jurisdiction *de jure*; if not, they, of course, ought to annihilate the jurisdiction *de facto*; but, to annihilate the state *de facto*, in the first place, is summarily ending the dispute; to deny the latter any independent jurisdiction *de facto*, is to deny there is any longer parties in the dispute.

Again, we conceive the means connected with the end, and upon no principle whatever can we justify, that either party should establish the modus or rules to be pursued in determining disputes, without confounding every idea of right and wrong. In the present case, on the one part, might the end as justly have been established, as the way and means to effect the end.

We are far from being willing those brave and strenuous efforts made by the state of Vermont, in the controversy with Great-Britain, should be buried by our grasping adversaries, (thirsting after domination and prey) in the specious pretext of riotously assuming government; and we, thereby, lose all credit for the men and money we have expended.

Thus, while we are necessitated to remonstrate against the proceedings of Congress in the present mode, we are willing, at the same time, any equitable enquiry should be made, the state of Vermont being allowed equal privileges with the other states, in the dispute.

And that the state of Vermont might stand justified to your honorable body, and to the world, both as to her present and future conduct, we are induced, as well from principles of attachment to the American cause, as a regard we have for peace and harmony among the states of America, now at war with Great-Britain, to make the following proposals, viz.

1st. That the state of Vermont will, as soon as may be, forward to the secretary of Congress, an attested return of all male persons, liable to do duty, agreeably to a militia act, heretofore exhibited to Congress, in a code of laws, entitled, "The Laws of Vermont;" and the state of Vermont shall, for and during the present war with Great-Britain, from year to year, furnish an equal number of troops in the field, in proportion to their numbers, as Congress shall estimate the quotas of the several United States, in proportion to their numbers; which troops shall be clothed, quartered and paid, by the state of Vermont. And, at the close of the war, the dispute shall be equitably settled, by the mediation of sovereign powers; and nothing herein contained, shall be construed to take away the right any of the United States claim to have, in or over the state of Vermont: Or

2dly. We are willing to agree upon some one or more of the Legislatures of the disinterested states, to interpose as mediators, and settle the dispute: Or

3dly. We are willing Congress, being possessed of sovereignty, should interpose to prevent the effusion of human blood: at the same time, we reprobate every idea of Congress sitting as a court of judicature, to determine the dispute, by virtue of authority given them by the act or acts of the state or states, that make but one party.

It gives us pungent grief that such an important cause, at this juncture of affairs, on which our *all* depends, should be forced on by any gentlemen, professing themselves friends to the cause of America, with such vehemence and spirit as appears on the part of the state of New-York; and shall only add, that, if the matter be thus pursued, we stand ready to appeal to God and the world, who must be accountable for the awful consequences that may ensue.

Signed at Philadelphia, this 22d day of September, A. D. 1780.

IRA ALLEN,
STEPHEN R. BRADLEY.

Vermont did not cheerfully yield to the policy that produced an indefinite postponement of a decision on this question; for, although it evinced that her claims to independence had made some impression on the mind of Congress, yet, it forbid the hope of an immediate recognition of that independence, and her admission into the union. Irritated by the pertinacious adherence of New-York and New-Hampshire, to their claims, and wounded by the humiliating treatment of her agents at Congress, she resolved on a different policy,—a policy which should present Vermont in an imposing attitude, and convince the claiming states, that it would be wise to yield to power, what had so long been denied to the claims of justice.

Nothwithstanding the dissolution of the former union with a portion of New-Hampshire, many, east of Connecticut river, still felt a strong desire to be connected with Vermont. Their views on this subject, are exhibited in the following document; which shows the commencement of a course of proceedings, resulting in a second union.

"*At a CONVENTION of DELEGATES from the several towns in the* County *of* Cheshire, *in the* State *of* New-Hampshire, *held at* Walpole, *in said county, on the 15th day of* November, *in the year of our Lord, one thousand seven hundred and eighty.*

VOTED, That *Dr. Page, Col. Hunt, Capt. Holmes, Daniel Jones, Esq.* and *Col. Bellows,* be a committee to confer with gentlemen from any parts of the territory, called the New-Hampshire grants, concerning the jurisdiction of the said grants, and to consider what is proper to be done by the inhabitants thereof, relative to their jurisdiction; that the same may be ascertained and established. Which committee, after due enquiry and consideration, report as follows, viz. The committee appointed by the convention, held at Walpole, Novemher 15th, 1780, do report, that we have conferred with the several gentlemen present, who were committees from the different parts of the territory, called the New-Hampshire grants, viz. *Cumberland, Gloucester* and *Grafton* counties, and do find, that many matters lately agitated, with respect to the jurisdiction of the New-Hampshire grants, render a union of the inhabitants of that territory, indispensibly necessary. The said inhabitants received the grants of their lands from the same jurisdiction, and settled them while a union was extant; which was an implicit engagement of authority, that it should be continued. But we were unjustly deprived of the advantages resulting from it, in the year 1764, by an arbitrary decree of Great-Britain, to which we never acceded: which decree, however, cannot be esteemed efficacious, since the declaration of independence; it being one of those iniquitous measures, by which they were attempting to oppress the colonies; and for which we have since thrown off subjection. This being the case, the union re-exists. And shall we throw it off? God forbid. The situation of the territory aforesaid, by reason of their being a frontier, as well as many other matters, which are obvious, respecting commerce and transactions of a public nature, makes it expedient that they be united in all their interests, in order to make their efforts, in that quarter, against the common enemy, more vigorous and efficacious. In respect to government, great disadvantages may arise by a division. In that case, delinquents may easily evade the operation of justice, by passing from one state to another, and thereby be induced more readily to practice iniquity in that part where the body of inhabitants, and the principal traffick, center. And we imagine that a union of public interests, is the only means by which the contentions and animosities, now subsisting among the inhabitants of the territory aforesaid, can be brought to a happy issue: for, so long as the course of justice is in different channels, where people are so nearly allied, disturbances will arise. From authentic information, we cannot but apprehend, that the state of New-Hampshire is greatly remiss, if not grossly negligent (to call it by no harsher name) in trusting affairs of such great importance as the settlement of their western boundary, to a committee, some of whom, we conceive, would risk the loss of half the state, rather than New-Hampshire should extend their claim west of Connecticut river. And, from the best authority that can be obtained, it appears that the agent of the state aforesaid, is endeavouring to confirm a division of the grants, contrary to their true interests; which has given the people, on the grants, just occasion to rouse and exert themselves in support of an union of the whole. We, therefore, earnestly recommend, as the only means to obtain an union, preserve peace, harmony, and brotherly love, and the interest of the community in general, that a convention be called from every town within the said grants, to be held at Charlstown, on the third Tuesday of January next, at one of the clock, in the afternoon; and that one or more members be appointed from each town, with proper instructions to unite in such measures as the majority shall judge most conducive to consolidate an union of the grants, and effect a final settlement of the line of jurisdiction.

B. BELLOWS,
S. HUNT,
D. JONES, } *Committee.*
L. HOLMES,
W. PAGE,

In Convention, *at Walpole, November 16th,* 1780.

The above report being repeatedly read,—Voted,

That it be accepted; and a sufficient number of copies be printed and transmitted to the several towns on the New-Hampshire grants, on both sides of Connecticut river, for their notice, to appoint one or more members to attend the said general convention; which shall be deemed a sufficient notification.

By order of the Convention,

BENJAMIN BELLOWS, *Chairman.*

A true Copy—Attest, DANIEL NEWCOMB, *Clerk.*”

In pursuance of the foregoing recommendation, a convention was holden at Charlestown, on the 16th of January, 1781; which, as stated by Doct. Williams, consisted of delegates from forty three towns.*

On the 10th of February, application was made by the convention, to the Legislature of Vermont, for a union of the grants on both sides of Connecticut river.

About the same time, a petition was received from sundry inhabitants in the north eastern part of New-York, praying to be admitted into union with Vermont.

On receiving these applications, the Legislature of Vermont, adopted the following measures; as appears by their journals.

"*Wednesday, February* 14*th*, 1781.

The House formed into a committee of the whole, according to adjournment.

The committee of the whole dissolved, and the Speaker resumed the chair.

The following report was made to the House by the committee of the whole; *viz.*

"STATE OF VERMONT, *Windsor, February* 12*th*, 1781.

Agreeable to the order of the day, the Governor, Council and House of Representatives, met, and formed into a committee of the whole, for the purpose of taking into consideration the matter of laying a jurisdictional claim east and west. His Excellency, Thos. Chittenden, Esq. in the chair. After some debate, a committee of seven were appointed to prepare a report, to be made to this committee, which report was made as follows *viz.*

'To the grand committee, consisting of his Excellency the Governor, the honorable Council, and House of Representatives;—Your committee, to whom was refered the several papers from the committee of the Convention at Cornish, and also the requests of the inhabitants living north of a line, being extended from the north line of Massachusetts, to Hudson's River, and east of the same river and south of latitude forty-five, beg leave to report *viz.*

That, whereas the district of country, formely known by the name of the New-Hampshire grants was peopled in consequence of grants of land from New-Hampshire; and whereas, the former government of New-York did, by cunning, in the year 1764, obtain a Royal order, to exercise jurisdiction to the west-bank of Connecticut river, which was against the consent of the people of said district; New-York proceeded to grant subsequent patents, erect courts, issue writs of ejectment, possession, &c. in prejudice to the first grantees and occupants. The inhabitants, necessitated to it, declared a defensive war against the government of New-York, and that government made acts of out-lawry against said inhabitants, and warlike preparations was making on both sides. In the interim, the people governed themselves by conventions, who, at several times, made application to New-Hampshire to exert themselves to obtain jurisdiction; who, by a Proclamation, &c. wholly rejected any such connections. Thus stood the case, at the grand æra of American Independence, when, in kingly governments, all jurisdiction, and jurisdictional lines, ceased, and all governmental powers devolved on the people; when they, continuing said convention, emerged into independence, declaring themselves, on the fifteenth day of January, 1777, to be a sovereign, free and independent people:—And

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* The journal of the proceedings of this convention, the Editor has not been able to find.

Whereas the General Court of New-Hampshire, did, on the 19th day of July, 1777, by a letter signed "Meshech Weare, President," directed to "Ira Allen, Esq. Secretary of the state of Vermont,"* acknowledge the independence of this state: and whereas, on the representation of a committee, inhabiting several towns, east of, and contiguous to Connecticut river, made to the assembly of this state, at their session, in March, 1778, that a number of towns, east of, and adjoining to said river, were unconnected with any state, with regard to their civil police; this state, upon said representation, did admit sixteen towns, east of said river, to union, and extended jurisdiction over them:—And

Whereas the General Court of New-Hampshire did, by their letter, dated August 22d, 1778, signed "Meshech Weare, President of the Council of New-Hampshire," directed "to the honorable Thomas Chittenden, Esq." demand of the state of Vermont a surrendry of their jurisdiction, east of said river, which will appear by the following paragraph in said letter, viz.—"I beseech you, Sir, for the sake of the people over whom you preside, and the people, for the sake of their future peace and tranquility, to relinquish every connection, as a political body, with the towns, east of Connecticut river, who are members of the state of New-Hampshire, entitled to the same privileges as the other people of the said state, from which there never has been any attempt to restrain them."—The Legislature of Vermont, at their session, in February, 1779, on the reception of President Weare's said letter, considering their territory to be larger and more fertile than that of New-Hampshire, allowing the latter, said sixteen towns, east of said river, and being unwilling to have a controversy with a neighbouring state, did close with the demand of New-Hampshire, and relinquished jurisdiction, east of said Connecticut river. In this the minds of the two governments met, and virtually settled upon the river as the boundary line between the respective states. An agent was then appointed, to transmit the dissolution of said union, to the General Court of New-Hampshire, who, on his arrival there, found, after delivering his message, that there was a plan on foot for laying a jurisdictional claim to the territory of Vermont, under pretext of friendship, and to baffle the claims of New-York. Said agent made strenuous efforts against such claims being laid, arguing that it could not be of much service to Vermont, as she had little to fear from New-York; and the further consideration was postponed to their next session. In the interim, an agent was again sent to attend said General Court, with a letter from the Governor of this state, requesting the Legislature of New-Hampshire, in the most urgent manner, not to lay claim to this state. After a hearing before both houses, and the most pressing arguments used, the Legislature did insist that they would do Vermont a favour; and accordingly laid their claim, and directed their agents to lay said claim at Congress; which, together with the claims of the neighbouring states, has prevented this state from obtaining a seat in Congress.

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* See Page 80.

It is to be here observed, that New-Hampshire have, from the time of laying her aforesaid claims, endeavoured to support internal broils in the easterly part of this state, contiguous to Connecticut river. Some gentlemen, inhabitants of the county of Cheshire, that are, or have been, members of the General Court of New-Hampshire, not long since, in convention, when fatal necessity obliged them to it, publickly declared that their intentions were to unite the whole of the grants (meaning Vermont) to New-Hampshire.—And whereas, sundry applications have been made by the people, inhabiting west of the line, known by the name of the Mason line, and east of Connecticut river, to unite with this state in one distinct government. Their last application is in the words following, viz.

'*To the Honorable the General Assembly of the State of* VERMONT, *now sitting in Windsor.*

The committee, appointed by the convention, holden at Charlestown, the 16th of January last, to confer with the assembly of said state, beg leave to inform, that the convention are desirous of being united with the state before mentioned, in one separate, independent government, upon such principles, as shall be mutually thought the most equitable and beneficial for the whole; desiring an answer, as soon as may be.

By order of the Committee,

ELISHA PAYNE.'

WINDSOR, *February* 10*th*, 1781.

Therefore, your committee do recommend, in order to quiet the present disturbances on the two sides of said river, and the better to enable the inhabitants on the two sides of said river, to defend the frontiers, that the Legislature of this state do lay a jurisdictional claim to all the lands situate east of Connecticut river, north of the Massachusetts, and south of latitude 45, and that they do not exercise jurisdiction, for the time being.

Whereas, the government of New-York have, for more than sixteen years last past, made use of every art and cunning, in their power, to usurp the rights and properties of the people of this state; while every measure, hitherto adopted, has proved abortive, for settling a controversy of such magnitude, so necessary to be settled, for the peace and welfare of the United States at this critical period: the unfortunate situation of this state being that of having an extensive frontier of more than one hundred miles in length, to defend against the British invasion from the Province of Quebec, by the avaricious and ambitious claims of the neighbouring governments and by the powers assumed over them by Congress, have, at several times, been embarrassed in raising men and money for the defence of her frontiers; and, by resolution of Congress, obtained by the claiming governments, notwithstanding the brave exertions of this state in the Bennington battle, &c. every article belonging to the Continent, has been called for and ordered out of the state, even to pick-axes and spades, at a time when the state was erecting a new line of forts on her frontiers; at which time the state of New-York evacuated their post at Skeensborough, which necessitated the people to petition this state for protection, when this state reinforced her guards, and directed her scouts to cover said people:

And whereas, it appears, by the best accounts hitherto obtained, that there was a government established by the Court of Great-Britain, before the æra of American independence, including all the lands this state, at present, exercise jurisdiction over, as also a much greater western extent, over which Governor Philip Skeene was to have presided, which overturns the claims of New-York, on their own stating:

And whereas, it appears that the government of New-York is still determined to do every thing in her power, to embarrass and overturn the jurisdiction of this state, and have made no answer to Governor Chittenden's letter of the 22d November last, which was sent to the Legislature of New-York, demanding of them to relinquish their claim of jurisdiction to this state, and inviting them to join in the mutual defence of the frontier of the two states, against British invasions from the Province of Quebec:

Therefore, your committee do recommend, that the Legislature of this state do lay a jurisdictional claim to all the land, situate north of the north line of the state of Massachusetts, and extending the same to Hudson's river, the east of the center of the deepest channel of said river, to the head thereof; from thence east of a north line being extended to latitude 45, and south of the same line, including all the lands and waters, to the place where this state now exercise jurisdiction; and not to exercise jurisdiction, for the time being.

By order. JOSEPH BOWKER, *Chairman.*

WINDSOR, *February* 14*th*, 1781.

In Committee of the whole, February 14*th*, 1781.

The aforesaid report was read and accepted.

Attest, ROS. HOPKINS, *Clerk.*'

The aforesaid report was read and accepted, and thereupon,

Resolved, That this state have and do hereby lay a jurisdictional claim to all the lands and waters, within the lines described in the aforesaid report.

Resolved, That a committee of five be appointed, to join a committee from the Council, for the purpose of waiting upon the committee appointed by a convention held at Charlestown, with the report of the committee of both houses, upon the subject of jurisdictional claims, and passed the house this day. The members chosen, Mr. Harris, Mr. Strong, Mr. Pearl, Mr. Walbridge and Mr. Murdock."

"*Friday, February 16th*, 1781.

"The committee to whom was referred the request of the convention now sitting at Cornish, &c. brought in the following report, viz.

'That this Assembly is willing to receive the inhabitants of the New-Hampshire grants, east of Connecticut river, and west of the Mason line, into union with this state, if we can agree on terms that shall be safe for this state, and beneficial for the whole.'

The aforesaid report was read and accepted and,

Resolved, That a committee of two to join a committee from the Council, be appointed to wait on the Cornish Convention, with the aforesaid report.—The members chosen, Mr. Walbridge and Mr. E. Smith."

"A Resolution from the Convention, passed this day, was delivered to this House, by a committee appointed by said Convention, for the purpose, mentioned in said resolve; and thereupon,

Resolved, That a committee of nine, to join a committee from the Council, be appointed to confer with the said committee from the Convention, according to said resolve, and make report of their proceedings, as soon as may be.—The members chosen, Col. Strong, Mr. E. Smith, Mr. Walbridge, Mr. S. Robinson, Mr. Murdock, Mr. Webb, Mr. M. Powell, Mr. Harris, and Mr. Whipple."

The following exhibits the result of the negociation between the committees above mentioned.

"*Articles of Union, agreed upon between the Committee of the Legislature of the State of* VERMONT, *and the Committee of the Convention of the New-Hampshire Grants, at Windsor, in Feb.* 1781.

ARTICLE 1. That the Constitution of said state be adopted as it now stands, subject to a revision, when the people, at large, shall judge proper.

ANSWER.—We cannot agree to a revision of the Constitution, in any other way than is pointed out therein.

REPLY.—The answer of the committee of the Legislature to our first article, not objected to.

ART. 2. That so soon as the circumstances of the state shall admit, the Legislature of the state shall apply to the Congress of the United States, to be admitted into confederation with them.

ANSWER.—Agreed to.

ART. 3. That no farther grants of land shall be made by the Legislature of Vermont, until the towns included in the Union have opportunity to be represented in the Assembly.

ANSWER.—Not admissible.

REPLY.—Agreed to omit the third article, in confidence the Assembly will act on principles of honor, in respect to it.

ART. 4. That all expences of the several towns, non-represented in the Legislature of Vermont, and those which shall be admitted into the Union, which shall have accrued in respect to the war, be, at some future period, properly adjusted, and that the whole be at equitable charge therein.

ANSWER.—Admitted, on condition the losses of the suffering inhabitants of this state, be included.

ART. 5. That a general and full act of oblivion be passed for the persons who, on the first day of October last, professed themselves subjects of the state of New-York: and that all judgments for fines, forfeitures, &c. against any, or either of the said persons, for opposing the authority of the state of Vermont, be annulled; and that no judgments be, hereafter, rendered against any of the said persons for offences heretofore committed against said state.

Answer.—Agreed to.

Art. 6. That no civil suits shall hereafter be maintained against any, or either, of the said persons, for trespasses, heretofore committed by them, against any of the officers of the said state or their assistants.

Answer.—Agreed to.

Art. 7. That where unappropriated lands were granted by the late government of New-York, antecedent to 1st of September, 1775, the property of such grantees, now residing upon the New-Hampshire grants, shall be secured to them, free from expence; and where the same, or any part thereof, has already been granted by this state, compensation in value, shall be made in other unappropriated lands, free from expence.

Answer.—Not agreed to.—Whatever compensation of that kind is made, it must be done on application to the Legislature, according to equity, arising out of each particular case.

A Message from Committee of Convention to Committee of the Legislature.

In order that the committee of Convention may the better determine on articles necessary to be proposed, respecting the regulation of Militia, present defence, &c. we would request the committee of the Legislature of Vermont to suggest to us their ideas in respect to the time and manner, in which the Union shall be completed, in case other articles can be mutually agreed on; and wish for an answer, before we proceed further.

E. PAYNE, *for the Committee.*

To the honorable Committee of the Legislature.
Saturday, 12 o'clock, February 17th, 1781.

The answer of the committee of the Legislature to the foregoing message.

This committee are of opinion that, if articles of Union are fully agreed on, it ought to be completed, at farthest, by the first Wednesday of April next; and that the manner be as follows, viz.

The Legislature shall call on all the towns, in the state of Vermont, and also on all the towns on the New-Hampshire grants, east of Connecticut river, to give their sentiments relative to the Union's taking place, as soon as may be; and that the votes of each town be returned to the assembly, at their adjourned session, on the first Wednesday of April next; and, on condition that two thirds of the towns in the state of Vermont, at a legal town meeting, vote for the union, and also, two thirds of the towns, on the New-Hampshire grants, east of Connecticut river; at the same time, those towns that vote for the Union (who are not represented) be directed by the Legislature, to choose members to sit in the assembly, who will be admitted, in case the Union is completed as aforesaid.

By order. I. ALLEN, *Clerk.*

To the honorable Committee of Convention.
Saturday, 2 o'clock, February 17th, 1781..

The Reply of the Committee of the Convention, to the above Answer of the Committee of the Legislature.

In order to facilitate the raising and subsisting men for the present defence, according to the act of the Legislature of Vermont, for that purpose, the committee of Convention concur with the proposals of the honorable committee of that Legislature, in respect to the time and manner of completing the Union, with the following explanations and alterations, viz.

1. That those towns only, who make returns, be reckoned, in computing the proportion.

2. That an extent of only those towns, east of the river, which are within about twenty miles of it, be referred to.

3. That the towns, not represented in Assembly, shall be immediately called on to elect members to take their seats in Assembly, on the said first Wednesday of April next, in case the Union shall be concurred in by a major part of the towns who act on the matter; which will, doubtless, include two thirds of the inhabitants.

E. PAYNE, *for the Committee.*

To the honorable the Committee of the Legislature.
Tuesday, 10 o'clock, A. M. February 20th, 1781.

The Assembly's committee give for answer to the committee of Convention, to their proposed explanation and alteration of the proposals of this committee, as to the manner and time of completing the Union:—

Art. 1. Agreed to.

Art. 2. Agreed to.

Art. 3. That the towns, proposed to be in Union, be immediately called on to choose members to sit in Assembly, on the first Wednesday in April next, in case the Union shall be concurred to, by a major part of the towns in this state, and two thirds of the towns, east of, and within about twenty miles of Connecticut river.

By order, J. FASSETT, *Chairman.*

To the honorable Committee of Convention.
Tuesday, 3 o'clock, February 20th, 1781.

Art. 8. Proposed by the Committee of Convention.

That wherever persons, who professed themselves subjects of New-York, have heretofore been fourfolded, for not giving in their lists to the assessors, or if such cases shall happen before the approbation of the several articles of Union by the Assembly and Convention, respectively, the fourfold shall be relinquished, upon the party's giving in his list to the assessors.

Answer.—Agreed to.

Art. 9. That wherever property has been taken, under the authority of Vermont, or shall be taken, before the several articles of Union shall be ratified by the Assembly and Convention, respectively, from any of the persons in the county of Cumberland, who, at, or before, the time of such taking, professed themselves subjects of New-York, for fines, forfeitures, &c. credit shall be given to the persons aforesaid, for the full value of such property, in future military services.

Answer.—Not agreed to, in the extensive since that it may be taken in; yet, it is expected that whatever personal service has been done, or fines, will be duly considered.

Art. 10. That all actions, pending in any Court in the counties of Cheshire and Grafton, shall be transferred in the situation they shall be in, at the time of completing the Union, to Courts to be then, forthwith, erected, under the authority of Vermont, without cost to the parties, other than would have accrued, had they been terminated in Courts under the jurisdiction of New-Hampshire.

Answer.—Agreed to.

Art. 11. That those towns, east of the river, who have paid their proportion, or any part thereof, of the sixty million of dollars, apportioned to New-Hampshire, shall have credit for what they have severally paid to the treasury of said state, in case Vermont, at any future period, shall have to pay their proportion of the Continental assessment for the money emitted by Congress.

Answer.—Answered in the answer to the fourth article.

A Message from the Committee of the Convention, to the Committee of the Legislature.

The Committee of Convention beg leave to inform the Committee of the Legislature of Vermont, that they have, at present, no additional articles, and agree to wave any further objections to answers received to those already proposed, and wish to receive whatever the Legislature's Committee have to add, on the treaty.

E. PAYNE, *for the Committee.*

The honourable Committee of Legislature.
Tuesday, 5 o'clock, P. M. February 20th, 1781.

A Message from the Committee of the Legislature to the Committee of Convention.

As no further proposals are to be made by the Convention's Committee, at present, the Assembly's Committee propose the following articles, as really necessary for the peace and well being of this state, and the United States.

Art. 1. That the independence of the state of Vermont be held sacred; and that no member of the Legislature shall give his vote or otherwise use endeavors to obtain any act or resolution of Assembly, which shall endanger the existence, independence or well being of the state, by refering its independence to the arbitrament of any power.

Art. 2. That whenever this state becomes united with the American States, and there shall then be any dispute between this and either of the United States, respecting boundary lines, the Legislature of this state will then (as they have ever proposed) submit to Congress, or such other tribunal, as may be mutually agreed on, the settlement of any such disputes.

By order. J. FASSETT, *Chairman.*

The honourable Committee of Convention.
Wednesday, 11 o'clock, A. M. February 21st, 1781.

A Message from the Committee of Convention, to the Committee of the Legislature.

The Committee of Convention agree to article first and second of the proposals of the Committee of the Legislature of Vermont.

E. PAYNE, *for the Committee.*

Wednesday, 12 o'clock, February 21st, 1781.

By order, JOHN FASSETT,
Chairman of the Committee of the Legislature.
ELISHA PAYNE,
for the Committee of Convention.

The Committees of Legislature and Convention agree to recommend that the assembly of Vermont adjourn to the first Wednesday in April next, then to meet, at Windsor: and that the people, in the several towns, proposed to be united, on both sides of the river, be requested to express and make return, at that time, of the sense of the towns in respect to a completion of the Union; and that those towns who agree to the Union, on either side of the river, who are not duly represented in the assembly, be requested to appoint members to attend the assembly, at the proposed adjournment; and that the constable or selectmen be requested to warn meetings of the inhabitants of such towns, seasonably for that purpose.

JOHN FASSETT,
Chairman of the Committee of the Legislature.
ELISHA PAYNE,
for the Committee of Convention."

WINDSOR, February 21st, 1781.

Proceedings of the Legislature of Vermont and the Convention on the foregoing articles.

STATE OF VERMONT, } *In General Assembly, February 22d,* 1781.

The aforesaid report was read and accepted; and

Resolved, That the articles of Union agreed to, and proposed, by the Committee of this Legislature, to the Committee of the Convention, be and are hereby confirmed; and this Assembly do pledge the faith of this state, that said articles be held sacred.

Attest, ROS. HOPKINS, *Clerk.*

In Council, February 22d, 1781.

Read and concurred. THOS. TOLMAN, *Sec'ry, pro tem.*

In Convention at Cornish, February 22d, 1781.

The foregoing articles and recommendation were read and agreed to.

SAMUEL CHASE, *Chairman.*

Agreeably to the recommendation of the committees, the Legislature of Vermont was adjourned to the first Wednesday in April; at which time, it met at Windsor, and the union of the grants, east and west of Connecticut river, was consummated; as appears by the following extract from the journals.

"*Thursday*, 2 *o'clock*, *P. M. April* 5*th*, 1781.

Met, according to adjournment.

The following was delivered to the speaker by the committee appointed for that purpose, viz.

In Convention at Cornish, Thursday, April 5*th*, 1781.

Voted, That a committee of three be appointed to wait on the Assembly of Vermont, now sitting at Windsor, to inform them of the state of the returns from the towns, on the east side of Connecticut river, and that the way is clear, on our part, for the proposed union, agreeable to the articles of the treaty, and to request information whether the Assembly are ready to receive the members returned to sit in the Assembly, on the union's taking place. The committee chosen, Col. Payne, Mr. Woodward, and Doct. Page.—*Extract from the Minutes.*

BEZALEEL WOODWARD, *Clerk.*

List of those towns, east of Connecticut river, which have made returns, acceding to an union with the state of Vermont, viz:—Hinsdale, Walpole, Surry, Gilsom, Alstead, Charlestown, Acworth, Leinster, Saville, Claremont, Newport, Cornish, Croydon, Plainfield, Grantham, Marlow, Lebanon, Grafton, Dresden, Hanover, Cardigan, Lyme, Dorchester, Haverill, Landaff, Gunthwait, Lancaster, Piermont, Richmond, Chesterfield, Westmoreland, Bath, Lyman, Morristown *alias* Franconia, and Lincoln. The Convention have received no returns of any town dissenting.

ELISHA PAYNE,
BEZA. WOODWARD, } *Committee.*"
WILLIAM PAGE,

The several representatives were desired to give in the votes of the towns that they represent, concerning the union; and the following towns were found to have voted to accept the same, agreeable to the articles, viz.—Shaftsbury, Arlington, Sandgate, Sunderland, Dorset, Reuport, Pawlet, Poultney, Castleton, Danby, Tinmouth, Rutland, Pittsford, Bethel, Pomfret, Peacham, Fairlee, Guilford, Moortown, Whitingham, Marlborough, New-Fane, Wilmington, Putney, Westminster, Athens, Chester, Windsor, Reading, Thetford, Strafford, Barnard, Royalton, Sharon, Norwich and Hinsdale; and the following towns disapproved of the said union's taking place, viz:—Bennington, Manchester, Clarendon, Dummerston, Londonderry, Woodstock and Hertford.

Note.—The following towns have not sent in their opinion, viz:—Wells, Wallingford, Townshend, Wethersfield, Cavendish and Hartford.

Resolved, That a committee of three be appointed to wait on the Convention, and inform them that the union is agreed on, by a major part of the towns in this state, agreeable to the articles of union, as proposed; and that this Assembly will wait to receive the members returned to sit in this Assembly, on the union's taking place, to-morrow morning, nine o'clock, to take their seats. The members chosen, Mr. Walbridge, Mr. Bradley and Mr. Lyon."

It appears from the journals that, on the following day, thirty five representatives from the grants, east of Connecticut river, took their seats in the General Assembly of Vermont.

The eastern union being thus completed, the Legislature of Vermont, next turned their attention to the subject of a union with part of New-York. Their proceedings, embracing articles of union with that part of New-York, over which they had extended a claim of jurisdiction, will appear by the following extracts from their journals.

"*Wednesday, April* 11*th*, 1781.

Met, according to adjournment.

Agreeable to the order of the day, the house formed themselves into a committee of the whole, with the Governor and Council. Said committee having dissolved, the speaker resumed the chair

The committee of the whole made the following report of a sub-committee, viz.

'To the grand committee, consisting of his Excellency the Governor, the honorable the Council and the General Assembly.

Your committee, to whom was referred the consideration of the several petitions and letters from the inhabitants of Granville, Cambridge, &c. requesting this state to exercise jurisdiction over them, for the reasons therein specified, beg leave to report,

That the Legislature of this state do recommend to the people inhabiting that part of the former government, over which Governor Philip Skeene was to preside, to which this Legislature, at their session in February last, laid a jurisdictional claim, to appoint members to attend a Convention, at Cambridge, the second Wednesday of May next: that the Legislature of this state appoint a committee to meet said Convention, at said time and place: that said Convention and Committee, take into consideration the defence of the frontiers, and if they can mutually agree on articles of union, that then such Convention proceed to resolve to raise their quota of men, for the defence of the frontiers, with a proper proportion of officers, which shall be returned to the board of war, and commissioned, in the same manner that the troops heretofore ordered to be raised for the present defence of this state, are; and do duty in the same manner: that in case said Convention and Committee do agree on articles of union, raising men, &c. then such articles of union shall be transmitted to the several districts, in said claim; when the people of said districts are requested, (provided they agree to such articles of union) to choose members to attend this Assembly; except such districts had instructed their member or members, in case articles of union were agreed on, that their members should be impowered to take seats in this Assembly; that, in case two thirds of the districts, in district meeting, choose members as aforesaid, that then, such members shall take their seats in this Assembly: that this Assembly adjourn to the second Wednesday of June next, at Bennington.

JOHN FASSETT, *Chairman.*'

WINDSOR, *April* 11*th*, 1781.

'*In the Grand Committee, April* 11*th*, 1781.

The above report was read and accepted,

Attest, JOSEPH FAY, *Clerk.*'

The aforesaid report was read, and after some debate, the question was put, and the yeas and nays were requested, and they are as follows, viz :—*Yeas* 48, *Nays* 39.

So it passed in the affirmative.

Resolved, That a committee of two, to join a committee from the Council, be appointed, to prepare a bill agreeable to the aforesaid report, and make report to this house. The members chosen, Mr. Lyon and Mr. Wells.

Resolved, That a committee of six, to join a committee from the Council, be appointed to meet a Convention to be held on the second Wednesday of May next, at Cambridge, for the purposes specified in a report of a committee of both houses, of this day's date; and that a majority of such committee are, hereby, impowered to transact the business pointed out for the said committee in said report, and make report of their doings, to the next session, for their approbation. The members chosen, Mr. Walbridge, Mr. Porter, Mr. Williams, Mr. Prentice, Mr. Curtiss and Mr. Child."

"*Friday, June 15th*, 1781.

The representatives of the western district informed this house, in writing, that they were ready to take their seats according to the articles of union, &c.

The committee, who was appointed to treat with the Convention, holden at Cambridge, in June last, reported the following articles, viz.

'Articles of union, proposed by the Convention, composed of representatives from the several districts of Hoosack, Scorticook, Cambridge, Saratoga, Upper-White-Creek, Black-Creek, Granville, Skeensborough, Greenfield, Kingsbury, Fort Edward and Little Hoosack, convened at Cambridge aforesaid, the 9th day of May, 1781, and, by several adjournments, to the 16th of the same month, inclusive.

Article 1. That the district, or tract of land, lying north of a line, being extended from the north line of the Massachusetts to Hudson's river, and east of said river, and south of latitude 45, as comprehended in the late jurisdictional claim by the Legislature of the state of Vermont, be considered as part of said state, and the inhabitants thereof as free citizens.

Answer.—Agreed to by the committee of the Legislature of the state of Vermont.

Art. 2. That the whole military force of the state of Vermont (as occasion may require) shall be exerted in our defence, as free citizens, against any insurrection, invasion or incursion whatsoever; but especially against the common enemy.

Answer.—Agreed to.

Art. 3. That application be made by the Legislature of the state of Vermont, to the Congress of the United States, to be admitted with them, as soon as circumstances will admit.

Answer. Agreed to.

Art. 4. That, as the people within the aforesaid late claim, have been called upon, and have paid a considerable part of the continental taxes, into the treasury of the state of New-York, they shall have credit for the same, in case the state of Vermont, at some future period, should be called upon to pay their proportion of money emitted by Congress.

ANSWER.—Agreed to; provided the services done by the state of Vermont, in the present war, be included.

REPLY OF CONVENTION.—Agreed to, provided the expence of said district, in the present war, be likewise included.

ART. 5. That all actions depending within the late claim, shall be transferred, in the situation they shall be in, at the time of completing the union, to courts that may be then, forthwith erected, under the authority of Vermont, without cost to the parties, other than would have accrued, had they been terminated in courts, under the jurisdiction of the state of New-York.

ANSWER.—Agreed to.

ART. 6. That the change of jurisdiction shall not be understood to effect, or alienate, private property.

ANSWER.—Agreed to.

Articles of union, proposed by the Legistature of the state of Vermont.

ART. 1. That the independence of the state of Vermont be held sacred, and that no member of the Legislature shall give his vote, or otherwise, use his endeavours, to obtain any act, or resolution of Assembly, that shall endanger the existence, independence, or well being, of said state, by referring its independency to the arbitrament of any power.

ANSWER.—Agreed to by Convention.

ART. 2. That, whenever this state becomes united with the American States, and there shall then be any disputes between this and any of the United States, respecting boundary lines, the Legislature of the state of Vermont will then (as they have ever proposed) submit to Congress, or such other tribunal, as may be mutually agreed upon, for the settlement of any such disputes.

ANSWER.—Agreed to.

The foregoing articles were, severally, mutually agreed to by the Convention and Committee, at Cambridge, the 15th May, 1781.

Attest, JOHN ROGERS, *Ch. of Convention.*
MOSES ROBINSON, *Ch. of Committee.*'

The aforesaid articles were read, and, after some debate,

Resolved, That this house form themseves into a committee of the whole, with the Governor and Council, to take the aforesaid articles under consideration. The committee of the whole having dissolved, the house formed themselves, and the speaker resumed the chair.

And, after some time spent in debating on the said report, it was referred until to-morrow morning, for further consideration.

A declaration of the inhabitants of the western district, giving their reasons for disavowing allegiance to the state of New-York, with their disavowal, was read.

Adjourned until to-morrow morning, eight o'clock."

" *Saturday, June 16th,* 1781.

Met, according to adjournment.

The house, again, took up the consideration of the articles of union, agreed on, between the committee, appointed to treat with the Cambridge

Convention, and said Convention, and after some debate, the question was put—whether this house would approve of said articles, as agreed, between said Committee and Convention? It passed in the affirmative.

The yeas and nays, on the question, being requested by Mr. Woodward, and the question being put, whether the yeas and nays should be taken—passed in the affirmative, and they are as follows, viz.

Yeas 53—*Nays* 24.

Resolved, That a committee of three be appointed, to wait on the members, returned from the western district, to sit in this Assembly, and inform them that this house are ready to receive them as members of this house, upon their producing their several appointments, &c. The members chosen, Mr. S. Robinson, Mr. Lyon and Mr. Harris.

The following are the several members, chosen to represent the western district, and were introduced by the aforesaid committee, and produced their credentials, which were read and approved, viz.

Mr. Thomas Benedict and Mr. Benjamin Hicks, *Scorticook.*
Capt. John Abbot and Lieutenant John Johnson, *Hoosack.*
Col. Gideon Warren, *Greenfield.*
David Randall, Esq. and Doct. Abraham Burdick, *Little-Hoosack.*
Mr. John Shepherd, *Black-Creek.*
Mr. Joseph Craw, *South-Granville.*
Capt. Asaph Cook, *Granville.*
Aaron Fuller, Esq. *Skeensborough.*
Mr. Thomas Smith and Mr. John Rogers, *Saratoga.*
Mr. Phineas Whiteside, Col. Joseph Caldwell, *Cambridge.*

And they all took the necessary oaths to qualify them to a seat in this house; except Lieut. John Johnson, and Mr. Benjamin Hicks, who did not attend."

We cannot forbear pausing, for a moment, to contemplate the interesting attitude, in which Vermont had now placed herself. No measures could have better exhibited the peculiar genius of her statesmen, and none have more effectually contributed to sustain her independence, than those we have just recorded. By the unions, thus formed, she had added an extent of territory, equal, at least, to that over which she originally claimed jurisdiction. By this bold and decisive policy, she had augmented her resources—compelled the respect of her enemies—gained upon the confidence of her friends—quieted disaffection at home—invited emigration, and thus laid the foundation for a large and powerful state.

But there is another view of the advantages resulting from this policy, which produces a still higher conviction of its importance, and exhibits a coincidence of events, as striking, perhaps, as any which distinguishes the early history of this state. We allude to the influence produced by this policy upon the negociations with the enemy, in Canada.

No people were more firmly attached to the cause of American independence, than the people of Vermont; and none had more successfully contributed to sustain it. Yet, after all their efforts and sacrifices in the common cause, they had the mortification to find themselves denied a just participation in the blessings which they had labored to secure. Their claims to independence had been treated with indifference—they were threatened with the dismemberment of their territory and the annihilation of their sovereignty, and, to crown the whole, were abandoned by the power, which ought to have protected them, and left to contend, single handed, against the common enemy. Much, therefore, as they were attached to the cause of their country, they could not fail to perceive that every step taken to support it, only rendered their condition more hopeless; and that it was of no importance to them that the struggle with a foreign enemy should be brought to a successful termination, while they were threatened with subjection to a more detested enemy, at home. In this state of things, Vermont wisely consulted her own safety, and fortunately secured it, by the negociation to which we have alluded.

The fact that this negociation was conducted with the utmost secrecy, and principally by verbal correspondence, forbids the expectation of finding many original papers, connected with it. The most complete account we have been able to find, is contained in "The natural and political history of Vermont," published in London, A. D. 1798, and written by Ira Allen, Esq. who was the principal agent in the negociation. From this history we take the liberty to extract what here follows, relating to this subject.

" The first information, (says Allen,) that the people of Vermont had, that the British Generals in America thought to avail themselves of an advantage in the disputes that subsisted between the claiming States and Congress, on the one part, and Vermont on the other, was contained in a letter from Colonel Beverley Robinson, dated New-York, March 30th, 1780, directed to Colonel Ethan Allen, which was delivered to him, in July, in the street in Arlington. Mr. Allen perused the letter, then told the bearer that he should consider of it, and that he might return.

Colonel Robinson begins his letter thus: " I am now undertaking a task, which, I hope, you will receive with the same good intention that inclines me to make it. I have often been informed that you, and most of the inhabitants of Vermont, are opposed to the wild and chimerical scheme of the Americans, in attempting to separate this continent from Great Britain, and to establish an independent state of their own; and that you would willingly assist in uniting America again, to Great Britain, and restoring that happy constitution we have so wantonly and unadvisedly destroyed. If I have been rightly informed, and these should be your sentiments and inclination, I beg you will communicate to me, without reserve, whatever proposals you would wish to make to the Commander in Chief; and I hereby promise that I will faithfully lay them before him, according to your directions, and flatter myself I can do it to as good effect as any person whatever. I can make no proposals to you, until I know your sentiments; but think, upon your taking an active part, and embodying the inhabitants of Vermont in favour of the crown of England, to act as the Commander in Chief shall direct, that you may obtain a separate government, under the king and constitution of England, and the men, formed into regiments under such officers as you shall recommend, be on the same footing as all the provincial corps are. If you should think proper to send a friend of your own here, with proposals to the General, he shall be protected, and well treated here, and allowed to return, whenever he pleases."

General Allen immediately communicated the contents of it to the Governor and some confidential persons, who agreed in opinion that it was best not to return any answer.

On February 2, 1781, Colonel Robinson wrote again to general Ethan Allen, inclosing a copy of the former, in which he writes—"The frequent accounts we have had, for three months past, from your part of the country, confirms me in the opinion I had, of your inclination to join the king's cause, and to assist in restoring America to her former peaceable and happy constitution. This induces me to make another trial, in sending this to you; especially as I can now write with more authority, and assure you, that you may obtain the terms mentioned in the above letter, provided you and the people of Vermont take a decisive and active part with us.*" He requests an answer, and that some method might be pointed out for carrying on a correspondence for the future, and information in what manner the people of Vermont could be the most serviceable to the British government, "either by acting with the northern army, or to meet and join an army from New-York."

Allen returned no answer to either of these letters; but on March 9th, 1781, inclosed them in a letter to Congress. In his letter to that body, he made observations, justifying Vermont in asserting her right to independence; in which he observed,—conscious of his own integrity, and sensible that his activity and sufferings in the cause of his country were known to all America—"I am confident that Congress will not dispute my sincere attachment to the cause of my country, though I do not hesitate to say, I am fully grounded in opinion that Vermont has an indubitable right to agree on terms of a cessation of hostilities with Great Britain, provided the United States persist in rejecting her application for an union with them: for Vermont, of all people, would be the most miserable, were she obliged to defend the independence of the United claiming States, and they, at the same time, at full liberty to overturn, and ruin the independence of Vermont. I am persuaded, when Congress consider the circumstances of this state, they will be more surprized that I have transmitted them the inclosed letters, than that I have kept them in custody so long; for I am as resolutely determined to defend the independence of Vermont, as Congress are that of the United States; and rather than fail, will retire with the hardy Green Mountain Boys, into the desolate caverns of the mountains, and wage war with human nature at large."

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* Copy of Robinson's letter of February 2, 1781, to E. Allen.

In April, 1781, Colonel Ira Allen was appointed, by the Governor and Council, to settle a cartel with the British in Canada, for an exchange of prisoners, and also to procure an armistice between Vermont and the British, which most of the Cabinet Council thought impracticable, at least, for any length of time, as the British had 10,000 troops in Canada, who would, in that case, be idle, not being able to annoy the other States, without first annoying Vermont. An armistice was necessary for Vermont, as their whole militia did not exceed 7000 men, able to bear arms, (her unions excepted) and who could not contend with 10,000 British troops, be maintained and paid, for any length of time, if called out to action; therefore an armistice must be obtained, or the frontiers must be evacuated, until assistance could come from those very states, whose influence had rendered Vermont defenceless; which, perhaps, had been contemplated, that they might, more easily, divide the spoil, under a ratification of Congress, and have their troops ready to guarantee such division.

The business was necessarily of a private nature; nothing could be written with safety to Vermont; one person was better than more, as cross questions might arise, and no one could divine what questions and propositions might come from the British, respecting the past and future conduct and intentions of the principal characters of Vermont. Besides, there was much danger, in the negociation, to the Governor, Council, and especially their agent, from the spies of the claiming States and Congress, who would labour hard for proof of a criminal correspondence, to expose life and property; but it was considered, that unless this measure was pursued, there was danger of being annihilated as a State, and being subjected by a power greatly promoted by the exertions of the people of Vermont. Under these circumstances, perseverance in an attempt to obtain an armistice, was resolved on, at every possible hazard. At this time, only eight persons were in the secret,* but more were added, as circumstances required. Colonel Allen preferred the first day of May, (it being the anniversary of his birth,) for his departure on this important business; he took with him one subaltern,† two serjeants, and sixteen privates, and, with a fair wind, soon arrived at *l'Isle aux Noix*, and was kindly and politely received by Major Dundas, Commandant at that place, who provided convenient apartments for Colonel Allen and his suite, and he daily dined with him at the mess. The next day, the commissioners met to settle a cartel for the exchange of prisoners. Major Dundas, Captain Sherwood, and George Smith, Esq. produced their credentials, as also Colonel Allen; and they adjourned to the following day. Captain Sherwood walking next morning with Colonel Allen, told him that Major Dundas had no knowledge of any business, except the exchange of prisoners, and that he and Mr. Smith were the commissioners to settle the armistice, and to concert with him measures to establish Vermont a colony under the crown of Great Britain. Whether Major

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* The following are the names of these persons, as stated by Dr. Williams in his history of Vermont, viz. Thomas Chittenden, Moses Robinson, Samuel Safford, Ethan Allen, Ira Allen, Timothy Brownson, John Fassett, Joseph Fay.

† Lieutenant Simeon Lyman.

Dundas was, or was not, unacquainted with the main business, he conducted himself as if he was *not*, for which reason the papers respecting the exchange of prisoners, were kept by themselves for public inspection. What concerned the armistice was more verbal than written. In the conferences respecting the temper and disposition of the inhabitants of Vermont, and their extreme hatred to the system and government of New-York, it was observed, that Congress was making use of every art to bring Vermont in subjection to New-York, and that the people of Vermont would, rather than yield to it, see Congress subjected to the British government, provided Vermont could be a distinct colony under the crown, on safe and honourable terms; that the people of Vermont were not disposed, any longer, to assist in establishing a government in America, which might subject them and their posterity to New-York, whose government was more detested than any in the known world, and under which the people of Vermont could never be safe, in person or property; therefore, they would not submit to be subjected to the jurisdiction of New-York, on any terms; that the most discerning part of the citizens were weary of the war, and turning their attention to retirement and safety; but how to effect their objects was the question.

The replication to the foregoing observations was, that the territory of Vermont could be a colony under the crown, with privileges equal to those enjoyed by any other colony; and that those who assisted in effecting such an event, would be duly honoured and rewarded. Both parties joined in opinion, that Vermont must become a British colony; but the methods to effect it, consistent with the interests of both, were to be discovered. Much conversation passed on the subject, and Captain Sherwood wrote to General Haldimand, and stated matters, but nothing was decisively done for some time. The negociations caused the army to remain inactive, which gave Colonel Allen reason to persevere, with hopes.

Colonel Allen asked leave to go and wait on General Haldimand, at Quebec, but was refused; when he wrote to General Haldimand, in abstruse terms, on the subject of his mission. General Haldimand answered his letter, and sent Major Lunno, Adjutant General of the army, to join the Commissioners at Isle aux Noix. On his arrival, he had a long conference with the two other Commissioners, after which, a private interview took place between the parties in a bye part of the island, unknown to Major Dundas, respecting the armistice, and the motives which induced the people of Vermont to consent to become a British colony. The next day, Colonel Allen and Major Lunno met at the same place, and the Major requested Colonel Allen to put down, in writing, the most important matters for the consideration of the Commander in Chief, who would then come to a final conclusion. Colonel Allen declined writing any thing on the subject, lest his writings should be exposed (which would be dangerous to him in the States, and destroy his influence there) as he had wrote to General Haldimand, and, by accident, the copy of his letter, which was couched in very ambiguous terms, was enclosed to Major Dundas, who was angry to think Colonel Allen had wrote off the island without his consent, and declared to the officers that he would confine Colonel Allen in irons; the impropriety of which was urged by the officers, as there could be, and was, no harm in it, as it was to the Commander in Chief, who had duly answered it. Colonel Allen said, he would verbally state the business, which Major Lunno might write and communicate to the Commander in Chief, with perfect safety and secrecy, on which the whole business depended, as the zealous Whigs would listen to no proposals until they saw and felt the benefits of an armistice; and the loyal subjects, who were scattered through the state, must be employed to change the minds of the Whigs by degrees. Major Lunno, at once, adopted Colonel Allen's mode to inform the Commander in Chief, and proceeded in the following manner:——.

Question.—Did not the people of Vermont take an early and active part in the rebellion?

Answer.—The people of Vermont were informed that hostilities had commenced at Lexington, by an express from the Governor and Council of Connecticut, to Colonel Ethan Allen, who requested him immediately to raise the Green Mountain Boys, and, without loss of time, to march and take the forts Tyconderoga and Crown Point, which Colonel Allen complied with, and also took the King's sloop of war with 16 guns, then lying off Fort St. John's.

Question.—Have the people of Vermont continued their exertions in the course of the war?

Answer.—No people in America have exerted themselves more than those of Vermont; they, with the assistance of the militia from the State of New-Hampshire, and from the county of Berkshire, gave the first check to General Burgoyne's army by the victory at Bennington; and by other exertions, greatly contributed to the capture of his whole army at Saratoga.

Question.—What were the motives which stimulated the people of Vermont to such violent measures?

Answer.—The inhabitants of Vermont principally came from Connecticut and the other New-England States, and, as brethren, felt for them, in a high degree, when hostilities first commenced; besides, they were of the same opinion as entertained by their brethren in New-England, that the Parliament of Great Britain had no right to bind and control the colonies, in all cases whatsoever, and that representation ought to precede taxation.

Question.—On what principles do the people of Vermont act, by endeavouring to obtain an armistice, and the privilege of being a colony under the crown, after taking so decided a part as you say, on similar principles to those of their brethren in New-England?

Answer.—When the people of Vermont first took an active part against Great Britain, they were, in principles, agreed with their brethren in the other colonies, to oppose the claims of the Parliament on America, and fought in their country's cause, expecting to enjoy equal privileges with their neighbours, in chusing and establishing their own form of government, and in sharing with them all the advantages which might result from their united efforts in the common cause. But after all, they have found to their sorrow, by acts and resolutions of Congress, and proceedings of other states, that they intend to annihilate the new state of Vermont, and annex its territory to New-York, whose government is perfectly hated and detested by the people of Vermont. To effect this plan, the frontiers of Vermont have been left naked and exposed to the wasting sword of the British troops, with a view to depopulate the country, and give the New-York monopolists possession. This usage being too much for human nature to bear, the citizens of Vermont think themselves justifiable, before God and man, in seeking an armistice with the British, and ceasing further to support a power that has too soon attempted to enslave a brave and generous people.

Question.—Should the Commander in Chief consent to an armistice with Vermont, for the time being, and admit it to be a British colony, with as extensive privileges as any colony ever had, what would be an adequate compensation for the inactivity of the army? and how soon can Vermont furnish a regiment to be put on the establishment, and march with the army against Albany; and what other assistance can Vermont give in such an expedition?

Answer.—The advantages to Great Britain by making an armistice, and receiving Vermont as a colony, will be great. After the propositions of Colonel Beverley Robinson, in his letter of March 30th, 1780, to General Ethan Allen, the Cabinet Council of Vermont have not been inattentive to a peace and union with the British government. Governor Chittenden, last July, sent a flag to the British Commodore, on Lake Champlain, with a letter to General Haldimand, requesting the exchange of some prisoners, which produced a truce, last autumn. General Ethan Allen included the frontiers of New-York, to Hudson's river, with Vermont, which produced very good effects, and made the people, among whom are many loyalists, on that district, friendly and anxious to come under the jurisdiction of Vermont. The Legislature of Vermont, on their petition, and, in consequence of measures, New-York, &c. were pursuing against her, extended her jurisdictional claim over that part of New-York: the territory thus added to the state of Vermont, is bounded south by a line due west from the south-west corner of Vermont to the Hudson's river, thence up the said river to its source, and by a line due north, to the south line of Canada, thence east to the north-east corner of Vermont. Articles of union are forming, and no doubt but that district will be duly represented in the next session of the Legislature of Vermont. In like manner, has been added to the jurisdiction of the state, on petition of the inhabitants, all the territory lying east of Connecticut river, and west of Mason's patent, which takes away, at least, one third part of the state of New-Hampshire. These additional territories will give strength to Vermont and weaken Congress. The extent of country, and the return of such a body of people to their allegiance, with the effects it may have on the people in the other states, many of whom are sick of the dispute, in consequence of the taxes and hardships already experienced, most likely will be of greater consequence than the operation of an army of ten thousand men. As to an army marching against Albany, it will operate against the union of the New-York district, and that of New-Hampshire, now forming with Vermont. This business requires time and moderation, with the address of some discreet loyalists, now in Canada, who may visit their friends in those districts, and let them know that Vermont is on good terms with the British.

In Vermont are plenty of men who would be fond of commissions on the British establishment, and could raise a regiment in a few weeks; but this, with sundry other things, can be better ascertained after the session of the General Assembly, at Bennington, next June.

A cartel for an exchange of prisoners was completed. Thus terminated this negociation in May, 1781, after seventeen days, on a verbal agreement, that hostilities should cease between the British and those under the jurisdiction of Vermont, until after the session of the Legislature of Vermont, and until a reasonable time after, for a commissary of prisoners to come on board the Royal George in Lake Champlain, and even longer, if prospects were satisfactory to the Commander in Chief.

In the mean time Vermont was to consolidate her unions, to weaken Congress, permit letters to pass through Vermont, to and from Canada, and take prudent measures to prepare the people for a change of government.

The Commissioners parted in high friendship, and Major Dundas furnished Colonel Allen and his suite with ample stores to return home. On Colonel Allen's return to Castletown, Captain Hurlbert and others waited on him, and desired to be advised whether to remain or move to the interior parts of the country; the Colonel advised them to remain quiet on their farms; that the Governor and Council would provide the best means for their safety; that they must not be surprised if there was not a powerful army to protect the frontiers; should any event make it necessary, for the safety of their families, to move, they might depend on seasonable information: he had a similar interview with Major Hebar Allen, the Rev. Mr. Hibbard, &c. in Poultney.

The Colonel went to Sunderland, and made his report to the Governor and Council, who took measures to carry into effect the stipulations he had made. In June, the Assembly met at Bennington, and received the Representatives from the east and west unions.

Many jealousies having arose amongst the zealous whigs in the United States and Vermont, that some negociations were carrying on between the British in Canada and Vermont, which occasioned several men of discernment to be sent from the neighbouring states, as well as many in Vermont, to collect and see, if, at the sessions of the Legislature, they could find any measures were pursuing, that might eventually be injurious to the United States, or the common cause of America.

On the other hand, the British in Canada were anxious to know whether Col. Allen and his friends would be faithful, and conduct matters so as to give a reasonable prospect of success, that might be adequate to a further suspension of hostilities; with these views, two opposite parties attended the Legislature; as the Assembly convened in the Meeting-House, the spectators sat in the galleries.

In a few days after their meeting, the Assembly sent a message to the Governor and Council, requesting them to join in committee of both Houses on the subject of Colonel Allen's mission to the British in Canada, &c. The Governor and Council attended in the Assembly, and resolved both Houses into a committee of the whole, when the Governor proceeded to state the facts; that in consequence of application from several persons, praying that some measures might be taken to procure the exchange of their friends, who were prisoners in Canada, in the recess of the Legislature, he had, with the advice of Council, appointed and authorized Colonel Ira Allen to go to the Isle aux Noix to settle a cartel for the exchange of prisoners, in behalf of the state. That Colonel Allen went to the Isle aux Noix, where he met the British Commissioners, and, with difficulty, had completed the business, in behalf of Vermont, though no such exchange had taken place with the United States, or any other state in the northern department; that if the grand committee wished for further particulars, respecting the mission and conduct of Colonel Allen, he was then present, and could best inform; to whom he referred them.

The committee then requested Colonel Allen to inform them respecting his commission, and what effects it had produced. Colonel Allen rose, and observed to the committee, that he had received an appointment and commission from the Governor and Council, to go and settle a cartel with the British, in Canada, for an exchange of prisoners; that he had, very happily, succeeded in his mission, and made his report to the Governor and Council; but not expecting to be called on by the committee, had left the commission and all the papers at home; nevertheless, was ready to give a verbal statement of the whole transactions, or, if more agreeable to the committee, he would, by leave of the Governor and Council, go home, and produce the writings for the inspection of the committee, next day. The committee desired Colonel Allen would lay the papers before them, the next day.

Accordingly, he attended the committee with the papers, and made a short verbal statement, that the papers might be the better understood; they were read, and, on the whole, it appeared, that the British had shewn great generosity in the business. Colonel Allen then rose, and stated sundry things, which occurred while he was in Canada, and mentioned that he had discovered among the British officers, a fervent wish for peace; and that the English government was as tired of the war, as the United States;—then concluded with a desire, that if any Member of the committee or auditor in the gallery, wished to ask any further questions respecting the business, he was ready to answer them.

All seemed satisfied that nothing had been done inconsistent to the interest of the States; and those who were in the interest of the United States, paid their compliments to Colonel Allen, for his open and candid conduct. In the evening he had a conference with the Canadian spectators, on the business of the day, and they appeared to be as well satisfied as those from the neighbouring States and Vermont. Is it not curious to see opposite parties perfectly satisfied with one statement, and each believing what they wished to believe, and thereby deceiving themselves! Major Joseph Fay was then appointed Commissary of prisoners, and after the session of the Assembly, went, in July, on board the Royal George, in Lake Champlain, obtained the exchange of prisoners, and a further extension of the armistice.

In July, 1781, General Ethan Allen was informed by one of his neighbours, that some of his friends, from Canada, wished to speak with him in the dusk of the evening of that day; that he would shew him the place, if he chose to see them;—at the time appointed, General Allen, with his cane only in his hand, cheerfully went to a British guard under arms, and received a packet from the British in Canada. In the twilight of the next day he met them again, and returned an answer;—this mode of correspondence was continued, and whenever dispatches came in this way, General Ethan Allen or Colonel Ira Allen (as they both lived in one house) went and received them, and returned an answer, not trusting any other person with these dispatches. It is worthy of remark, that Sunderland, where they lived, was more than sixty miles from the frontiers; yet a serjeant and six or eight men frequently passed with their arms, in 1781 and 1782, without being discovered by any that would inform against them.

In these times, party spirit ran so high against tories, or any correspondence with the British, that a person in Arlington, who had, on these occasions, rendered himself obnoxious to some brave and spirited people in Manchester, &c. a party collected and set out to pull his house down; their plan was discovered by Colonel Gideon Brownson and Captain Eli Brownson, who met said party in Sunderland, interposed by their advice, to prevent so rash a procedure.—Colonel Ira Allen soon came to their assistance; by their united influence, with difficulty they persuaded said party quietly to return home. That the same evening, Colonel Ira Allen, crossing the same ground, where said party were persuaded to return back, met a British guard under arms, received a packet, and returned an answer, next evening.

This shews the vicissitudes of human affairs, and the dangers individuals are frequently exposed to, for the best good of the whole.

The Assembly, during their June session, appointed Jonas Fay, Ira Allen, and Bezaleel Woodward, Esquires, agents to Congress. On their way to Philadelphia, and on the same day of their arrival, they, at an inn, saw, in a newspaper, a letter from Lord George Germain to Sir Henry Clinton, dated Whitehall, February 7th, 1781, which had been taken by the French and carried to Paris, and by Dr. Franklin, forwarded to Congress, who had ordered it to be printed, containing, among other things, the following: "The return of the people of Vermont to their allegiance is an event of the utmost importance to the King's affairs; and, at this time, if the French and Washington really meditate an irruption into Canada, may be considered as opposing an insurmountable bar to the attempt. General Haldimand, who has the same instructions with you, to draw over those people, and give them support, will, I doubt not, push up a body of troops, to act in conjunction with them, to secure all the avenues through their country into Canada; and when the season admits, take possession of the upper parts of the Hudson's and Connecticut rivers, and cut off the communication between Albany and the Mohawk's country. How far they may be able to extend themselves southward or eastward must depend on their numbers, and the disposition of the inhabitants."

This information had greater influence on the wisdom and virtue of Congress, than all the exertions of Vermont in taking Ticonderoga, Crown Point, and the two divisions from General Bourgoyne's army, or their petition to be admitted as a state in the general confederation, and offers to pay their proportion of the expences of the war."*

In September, 1781, the negociation was renewed at Skeensboro; at which time, Colonel Allen was associated with Major Joseph Fay, an additional agent on the part of Vermont. We are again indebted to Allen's history, for the following account of the proceedings, at this interview.

" The plan of governement for the colony of Vermont was taken into consideration, which was, for sóme time, debated; when it was agreed, that his Majesty in Council should appoint the Governor, but it was expected, to be a subject in the colony; that the people should appoint a Lieutenant Governor and twelve counsellors, who should form one branch of the Legislature, and the other should consist of one member from each town, who were to be annually elected by the people, similar to the present form, who should have a right to enact provincial laws, &c. similar to the colony of Connecticut.

The British Commissioners suggested an instruction from the Commander in Chief, to send scouts and make prisoners of several persons in Vermont, that were most violently opposed to negociations with the British government.

This, the agents of Vermont opposed, reprimanding the conduct of the officer, who presumed to send a scout to, and wound, Major Younglove, within Vermont, as being a violation of the armistice agreed on; that every measure of that kind would stimulate a spirit that must be conciliated, before a completion of the object wished for.

The object was then relinquished by the Commissioners, as being discretionary with them, after a conference with the agents of Vermont.

The British Commissioners insisted that Vermont should declare itself a British colony, offering to put on the British establishment one Brigadier General, two Colonels, and other officers, for two regiments, all to be named by certain men in Vermont, with other advantageous and lucrative offers, proposing an expedition against Albany; that, by uniting the British troops and the Vermontese, they would form a strong barrier, and be able to defend themselves against the States; that the Commander in Chief was determined not to lose the campaign inactively; that something effectual must be determined on, before they parted, or the armistice must cease.

The agents of Vermont treated this proposition with candour and deliberation, stating the local situation of Vermont, and the extent of frontier opposed to the United States to be about two hundred and fifty miles, including her unions, bounding on as thick settlements as any in the United States; that amongst the body of the people, were as staunch whigs as any part of America; that the ties of consanguinity, neighbourly and personal friendship, &c. were opposed to fighting each other; that, in the ancient district, as also the unions of Vermont, were some of the most zealous supporters of the independence of America; that to change the temper and disposition of such men, heated with a revolutionary frenzy, must be a work of time, and moderation in the time of an armistice, shewing them the blessings of repose under a permanent government.

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* Allen's history p. 150—1. 153—5, 161—177.

That, considering the extent of the frontiers of Vermont, that a range of green mountains divides it near the centre, through which roads were almost impossible; under these considerations, it might not be in the power of his Majesty's troops to defend the said frontiers, especially in the winter; and should they be compelled to retire to Canada, for winter quarters, it would ruin their friends in Vermont, and spoil their best services. The question, therefore, was, whether, considering the letter from President Weare to Congress, in which he acknowledges that the State of New-Hampshire cannot furnish her quota of men and money, for the service of the United States, in consequence of one third part of the State having revolted and joined the new State, and more, he expected, would follow their example; that another union, to include Berkshire county, in the Massachusett's, might, in the course of events, take place; that such measures, with their effects on the people through the States, might be of more service to the King's cause, than any other thing in the power of Vermont to accomplish.

The British Commissioners took down, in writing, the heads of those objections, for the information of the Commander in Chief. They then suggested an instruction, which they said they were not at liberty to deviate from, without putting an end to the armistice,—which was, that his Excellency General Haldimand should, in pursuance of full powers vested in him, by his Majesty and Privy Council, issue his proclamation, offering to confirm Vermont as a colony under the crown, with the full extent of her claims, confirming the principles of government as aforesaid, provided the people would return to their allegiance; that an army should come up the lake in October, with said proclamations, during the session of the Legislature, and distribute them; when the Legislature must accept the same, and, with the British, take measures for their common defence, &c.

The Agents of Vermont were unpleasantly situated on these proposals; they reinforced the preceding arguments, with these remarks, that the season was too far advanced for such important operations, considering the climate, badness of roads, that no fortifications or preparations were made on the frontiers for defence, that one winter would have great effect in changing the minds of the people for a new order of things, &c. and that the Commander in Chief, on full consideration of these matters, might be of a different opinion; but should he not, they hoped the General, who brought forward such proclamations, would learn the temper and dispositition of the people before he distributed them; on these principles they consented to have the proclamations brought up the lake, rather than break the armistice.

The Commissioners and Agents then separated, on terms of mutual friendship.

In October, 1781, the Legislature met at Charlestown, in the East Union, when the government of New-Hampshire sent a Major Runnals, with two hundred men, as was supposed, to stop the election, and session of the Legislature. The friends of Vermont advised the Major, if he had any instructions from New-Hampshire, which were hostile to Vermont and the East Union, that it would be, for the sake of humanity, adviseable for him to keep them to himself, as his force would not avail: this he prudently did, and the Assembly convened and proceeded to business, without opposition. In the mean time, General St. Leger, at the head of the British army from Canada, ascended the Lake Champlain, and rested at Tyconderoga; while General Enos had the command of the troops of Vermont, on the frontiers, and his head quarters at Castleton. The General, and a number of officers under him, were fully acquainted with the negociations with the British in Canada; in particular, Colonels Fletcher and Walbridge. Notwithstanding, it became necessary to keep up appearances, by sending frequently small scouts to Champlain, to observe the movements of the enemy. One of these scouts fell in with a party of General St. Leger's; some shots were exchanged; Sergeant Tupper, who commanded the scout from Vermont, was killed on the spot, and his men retreated: the body was decently buried, and General St. Leger sent all his clothes, with an open letter, to General Enos, informing him of his regret for the fate of the serjeant, and made an apology for his death. Perhaps this was done to try the spirit and disposition of the inhabitants, previous to the publication of the proclamation, as conceded to, at Skeensborough, the September before. The dispatch and apparel were publicly delivered to General Enos, which made considerable noise among the troops.

General Enos, and Colonels Fletcher and Walbridge, wrote letters, and sent, immediately, an express to Governor Chittenden, at Charlestown, announcing the arrival, at Tyconderoga, of the British army; wherein they blended public matters and private negociation. Mr. Hathaway, the messenger, not being in the secret, failed not to proclaim the extraordinary message of General St. Leger through the streets of Charlestown, till he came to the Governor, which happened in the recess of the Legislature, and occasioned crowds of people to follow, to hear the news. The Governor and others were sitting in a large room, amongst whom were some persons that were eager to learn the negociations that were generally supposed to be carried on between the British in Canada and Vermont, to make an ill use thereof. The Governor opened one of the letters; he thought it prudent to peruse it himself, before he allowed it to be publicly read. These letters were found to contain both public and private information, which occasioned some change of letters between the Governor, and Messrs. Brownson and Fassett, who were in the secret, and next to the Governor. In this confused moment, Major Runnals came in, and inquired of Colonel Ira Allen, what was the reason that General St. Leger was sorry that Serjeant Tupper was killed? Mr. Allen said that he could not tell. Mr. Runnals repeated the question; and Mr. Allen observed, that good men were sorry when good men were killed, or met with misfortune, which might be the case with General St. Leger.—This answer enraged Mr. Runnals; and he again loudly enquired what reasons could possibly induce a British General to be sorry, when his enemies were killed, and to send his clothes to the widow? Colonel Allen then requested Major Runnals to go at the head of his regiment, and demand the reasons of his sorrow, and not stay there, asking impertinent questions, eating up the country's provisions, doing nothing when the frontiers were invaded. Very high words passed between the Major and Colonel Allen, till Mr. Runnals left the room. This manœuvre drew all the attention from said letters. It was then proposed that the Board of War should be convened; and the Governor then summoned the members of the Board of War to appear, as soon as possible, in his chamber, leaving Mr. Hathaway to detail the news to the populace,—the Board of War being all in the secret. New letters were made out from General Enos, Colonels Fletcher and Walbridge's letters, and, for the information and satisfaction of the public, read in council and assembly, for the originals, and then returned to the Governor. Those letters contained every thing but the existing negociations, which prudence and policy dictated to be separated from the other part of said letters.

In the mean time, Colonel Allen and Major Fay wrote to the British Commissioners, who were with General St. Leger, on the subject of their former negociations, in which they gave a list of the names of the members of the Legislature, with marks, denoting the new members, from which the change appeared great. They suggested the capture of Lord Cornwallis and his army, and added that, whether true or not, it had the same effect upon the people, who soon hoped for better news. In this critical situation, they thought it improper to publish the proposed proclamation, as several changes and circumstances seemed to presage more happy events, that would soon make all right. The packet, containing Colonel Allen and Major Fay's letter, was delivered at Tyconderoga, about ten o'clock in the morning. About an hour after, an express arrived from the southward, which was supposed to contain the news of the capture of Lord Cornwallis and his army; for, before evening, the troops, stores, &c. were embarked, and, with a fair wind, returned to Canada.—Thus ended the campaign of 1781, with the accidental loss of only one man, on the extensive frontiers of Vermont, exposed to an army of ten thousand men; yet she did not incur any considerable debt.—Such were the happy effects of these negociations."*

We do not learn that any further interview took place between the Agents of Vermont and the British Commissioners. Several communications, on this subject, passed from Canada to Vermont, in the year 1782, as appears from the following extract from Allen's history,—with which we close the account of this interesting negociation.

"In the winter of 1782, the British in Canada were impatient to learn what effect the capture of Lord Cornwallis had produced. Their anxiety, and confidence in the people of Vermont, will best appear from the stile, in the extract of the following letter from the British agent, dated February 28th, 1782. "My anxiety to hear from you, induced me to apply to his Excellency (General Haldimand) for leave to send the bearer with this; which having obtained, I earnestly request you to send me, in the most candid, unreserved manner, the present wishes and intentions of the people, and leading men of your State, respecting our former negociations; and what effect the late catastrophe of Lord Cornwallis has on them. Will it not be well to consider the many chances and vicissitudes of war? However brilliant the last campaign may appear, the next may wear a very different aspect. Add to this, the great probability of your being ruined by your haughty neighbours, elated by (what they call) a signal victory; and I hope you will see, as I do, that it is more than ever your interest, to unite yourselves with those who wish to make you a happy and free government. Will there be a proper time to send the proclamations? I repeat my request, that you will tell me, without reserve, what may be expected in future."

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* Allen's history, P. 185—193.

April 22d, 1782, the British agents wrote,—"in confidence, we take this opportunity to acquaint you, by the authority of his Excellency General Haldimand, that he is still inclined to treat amicably with the people of Vermont; and these his generous and humane inclinations, are now seconded by much stronger powers from his Majesty, than he has hitherto enjoyed for that purpose. We do, in confidence, officially assure you, that every article proposed to you, in his Excellency's former offer, as well as the confirmation of the east and west unions, in their utmost limits, will be amply and punctually complied with. We hope your answer may be such, as to unburden our anxious minds." Extremely fearful about the event, and impatient at not receiving an answer, on April 30th, they wrote again, and carried their offers and promises to a still greater extent:—"His Excellency has never lost sight of his first object; and I am happy to be able, in this, to inform you, that the General has lately received, by way of Halifax, full powers from the King to establish V————t government, including the full extent of the east and west unions, with every privilege and immunity, formerly proffered to you; and he is, likewise, fully authorized, as well as sincerely inclined, to provide amply for *****, and to make ***** Brigadier General, in the line,—********** field officers, with such other rewards, as your sincerity, and good services in bringing about the revolution, may, in future, merit. In short, the General is vested with full powers to make such rewards, as he shall judge proper, to all those who distinguish themselves in promoting the happy union. And, as his Excellency has the greatest confidence in you, and *****, much will depend on your recommendations."

Extract from General Haldimand's letter in the summer of 1782.

"You may rest assured that I shall give such orders, as will effectually prevent hostilities of any kind being exercised in the district of Vermont, until such time as a breach on your part, or some general event, may make the contrary my duty. And you have my authority to promulgate, in such manner as you shall think fit, this my intention, to the people of the said district, that they may, without any apprehension, continue to encourage and promote the settlement and cultivation of that new country, to the interest and happiness of themselves, and their posterity."*

One of the British agents wrote, March 25th, 1783, after some reports of peace, and before officially made known, in this stile :

"I am commanded to acquaint you, that, actuated from the beginning, by a sincere desire of serving you, and your people, as well as of promoting the royal cause, by re-uniting you with the mother country, his Excellency never lost an opportunity of representing every circumstance that could be advanced in your favour, to the King's ministers, in the hope of accomplishing a reconciliation. His Excellency will continue, by such representations, to do all in his power to serve you ; but what effect it may have, at this late period, is very uncertain. While his Excellency sincerely regrets the happy moment, which it is much to be feared, cannot be recalled, of restoring to you the blessings of the British government, and views with concern the fatal consequences approaching, which he has so long, and so frequently predicted, from your procrastination, he derives some satisfaction from a consciousness of not having omitted a circumstance, which could tend to your persuasion, and adoption of his desired purpose. In the present uncertain state of affairs, uninformed as his Excellency is, of what is doing, or perhaps done, in a general accommodation, he does not think fit, until the result shall be known, to give any opinion, which may influence you, perhaps, to the prejudice of your interests, or that might interfere with the views of government. If the report, now prevailing, has any foundation, a very short time will determine the fate of Vermont. Should any thing favourable present, you may still depend on his Excellency's utmost endeavours, for your salvation."†

Thus terminated a negociation, by which Vermont, abandoned, and exposed, at every point, was protected, as if by magic, from the overwhelming power of the enemy ; while, at the same time, and by the very same means, she added to her importance in the estimation of Congress, and secured a more respectful hearing of her claims to independence !

From the history of this negociation we now turn to an examination of the Proceedings relative to the admission of Vermont into the union.

Immediately after the formation of the western union, viz. on the 22d of June, 1781, the Legislature of Vermont appointed Jonas Fay, Ira Allen and Bezaleel Woodward, Esquires, delegates "to repair to the American Congress, with full powers to propose to, and receive from, them, terms for an union of Vermont with the United States, and to take seats in Congress, as delegates from Vermont, when terms of union should be agreed on and ratified."‡

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* Haldimand's letter to Governor Chittenden, dated Quebec, 8th August, 1782.

† Allen's history, P 240—4.

‡ Journals of Vermont.

On the 7th of August, the subject was brought before Congress, and the following resolutions were adopted.

"Whereas the States of New-Hampshire and New-York, have submitted to Congress the decision of the disputes between them and the people inhabiting the New-Hampshire grants, on the west side of Connecticut river, called the State of Vermont, concerning their respective claims of jurisdiction over the said territory, and have been heard thereon; and whereas, the people aforesaid claim and exercise the powers of a sovereign independent state, and have requested to be admitted into the fœderal union of the United States of America: in order thereto, and that they may have an opportunity to be heard in vindication of their said claim:

Resolved, That a committee of five be appointed to confer with such person or persons, as may be appointed by the people residing on the New-Hampshire grants, on the west side of Connecticut river, or by their representative body, respecting their claim to be an independent state, and on what terms it may be proper to admit them into the fœderal union of these states, in case the United States, in Congress assembled, shall determine to recognize their independence,—and thereof make report:

And it is hereby recommended to the people of the territory aforesaid, or their representative body, to appoint an agent or agents to repair immediately to Philadelphia, with full powers and instructions to confer with the said committee on the matters aforesaid, and on behalf of the said people, to agree upon, and ratify, terms and articles of union and confederation with the United States of America, in case they shall be admitted into the union: and the said committee are hereby instructed to give notice to the agents of the states of New-Hampshire and New-York, to be present at the conference aforesaid.

Resolved, That, in case Congress shall recognize the independence of the said people of Vermont, they will consider all the lands belonging to New Hampshire and New-York, respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation; and that the United States will, accordingly, guarantee such lands and the jurisdiction over the same, against any claims or incroachments from the inhabitants of Vermont aforesaid."

On the 17th of August, the committee of Congress were specially instructed to confer with the agents from Vermont; as appears by the following extract from the journals of that day.

Friday, August 17th, 1781

"Congress took into consideration a report of the committee, appointed in pursuance of the resolution of the 7th, to confer with agents to be appointed by the people of the New-Hampshire grants, on the west side of Connecticut river; and to whom was referred a letter from Jonas Fay, Ira Allen, and Bezaleel Woodward, wherein they represent that the said J. Fay, I. Allen, and B. Woodward have produced to them a commission, under the hand of Thomas Chittenden, Esquire, empowering them, among other things, to repair to the American Congress, and to propose to, and receive from, them, terms of union with the United States: whereupon,

Resolved, That it be an instruction to the committee, to confer with the said Jonas Fay, Ira Allen, and Bezaleel Woodward, on the subject of their mission."

On the 18th, the following conference took place, between the committee of Congress and the agents of Vermont.

"*Question 1st.* Are the boundaries, set forth in the written propositions delivered in by the said agents, at this time, claimed by the State of Vermont, as the lines of jurisdiction, the same as contained in the resolution of Congress of the 7th of August instant?

Answer. They are the same, with the addition of part of the waters of Lake Champlain, for the benefit of trade.

Question 2d. What part do the people of Vermont mean to take, as to the past expences of the present war, and what aid do they propose to afford as to men and money, to the common defence?

Answer. Such proportion as shall be mutually judged equitable, after their admission to a seat in Congress, which has been, at several different times, officially proposed by agents on the part of Vermont.

Question 3d. What are the ideas of the people of Vermont relative to the claim of private property, under grants or patents from New-Hampshire, or New York, previous to the present revolution?

Answer. Although the State of Vermont have not, hitherto, authorized any Courts to take cognizance of such causes, as respect titles of lands, nevertheless, they have had, and still have it in contemplation to adopt such modes, as the circumstances, arising out of each case, may justify, without adhering to the strict rules of law.

Question 4th. What are the intentions of your constituents, in regard to the patents that were granted on conditions of settlement within a given time, and which have been prevented by the claims of the people of Vermont, and the present revolution?

Answer. No forfeitures have been taken by the State of Vermont, on any such grants, for non-performance of conditions of settlement, and we conceive it to be the intention of our constituents to grant a further reasonable time for fulfilling such conditions.

Question 5th. What are the number of inhabitants within the lines mentioned in the propositions above mentioned?

Answer. As the citizens of Vermont have not been lately numbered, we can therefore only estimate them at thirty thousand, which we conceive to be nearly a true estimate.

Question 6th. What quantity of land is contained within the said bounds?

Answer. There has been no accurate survey of the State of Vermont, but we conceive it to contain about five millions of acres.

Question 7th. What applications have been made, either publicly or privately, by the enemies of the United States, or their adherents, to draw off the people of Vermont from their affection to the United States of America?

Answer. The honourable committee are possessed of copies of Bev. Robinson's letters, inclosed in Brigadier General Allen's letter of the 9th of March last, to the then President of Congress; and any private offers we cannot avouch for.

Question 8th. In case the enemy should attempt an invasion of the northern frontiers, what aid, as to men and provisions, could be raised in the State of Vermont, for the public defence, (you can suppose the invasion made in different quarters) and in what time?

Answer. The number of militia, within the lines herein limited, we suppose to be about seven thousand, are in general well armed and accoutred, and have ever shown themselves spirited in case of alarms, &c. In regard to provisions, the country is fertile, but new, and considerable emigrations from other states to Vermont.—The Legislature, at their session, in October last, levied a tax on the inhabitants, sufficient for victualling one thousand five hundred troops in the field, for twelve months; and we are of opinion a larger store may be, in the same manner, collected, the ensuing autumn."

On the 20th of August, the committee of Congress made a report to that body;—whereupon, Congress came to the following important resolution.

"It being the fixed purpose of Congress to adhere to the guarantee to the States of New-Hampshire and New-York, contained in the resolutions of the 7th instant:

Resolved, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory, called Vermont, and their admission into the fœderal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line, beginning at the north west corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs north easterly in its general course; then by the west bounds of the townships granted by the late government of New-Hampshire, to the river running from South-Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to the latitude of forty-five degrees north; excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain."

Both Vermont and New-York appear to have been dissatisfied with this resolution;—the former, because it contemplated, as a condition of her admission into the union, the dissolution of the connexions she had just formed, and the latter, because it recognized the claim, against which she had, so long and so earnestly contended:—the one, because Vermont was too much reduced,—the other, because she had *any thing* left, which she could call her own!

We now proceed to gratify the curiosity of the reader, by presenting the following Proceedings of the Legislatures of Vermont and New-York, on the reception of the foregoing resolutions.

Proceedings of the Legislature of Vermont.

" STATE OF VERMONT, *Charlestown, October 16th*, 1781.

The Governor and Council having joined the general assembly, in a committee of the whole, to take into consideration the report of the honorable Jonas Fay, Ira Allen and Bezaleel Woodward, Esquires, who were appointed by the Legislature of this State, in the month of June last, to repair to the American Congress, with powers to propose to, and receive from, them, terms for an union of this, with the United States, &c.

His Excellency THOMAS CHITTENDEN, *Esquire, in the chair :*

The said agents laid before the committee the following papers, which were read by the secretary in their order, viz.

1*st*. and 2*d*. A copy of their letter to the President of Congress, of the 14th of August last, enclosing a duplicate of their commission.

3*d*. The resolutions of Congress, of the 7th and 8th of August last.

4*th*. Brigadier General Bellows, and associates, petition to New-Hampshire, 25th of May, 1781.

5*th*. Petition of the selectmen of Swanzy to New-Hampshire, June 9th, 1781.

6*th*. Honorable Mesheck Weare's letter, to be laid before Congress, dated 20th June, 1781.

7*th*. Messieurs Duane and Ezra L'Hommedieu's memorial and prayer to Congress, of the 3d day of August, 1781 ; together with Ira Allen and Stephen R. Bradley, Esquire's remonstrance to Congress, dated September 22d, 1780.

8*th*. Resolve of Congress, dated 17th August, 1781.

9*th*. Written proposals to committee of Congress, dated August 18th, 1781.

10*th*. Questions proposed to the agents of Vermont by the committee of Congress, August 18th, 1781.

11*th*. The foregoing questions, with the answers annexed.

12*th*. Resolutions of Congress of the 20th August, 1781.

The further consideration of the report being referred, adjourned till to-morrow morning, nine o'clock.

October 17.

Met, according adjournment.

The committee proceeded to the consideration of the resolutions of Congress, of the 20th day of August aforesaid, and other papers mentioned in the report of said agents ; and, after some time spent thereon, resolved that, in the opinion of this committee, the Legislature cannot comply with the resolutions last referred to, without destroying the foundation of the present universal harmony and agreement that subsists in this state, and a violation of solemn compact entered into, by articles of union and confederation.

The further consideration of the report being postponed, adjourned to nine o'clock to-morrow morning.

October 18.

The committee having resumed the further consideration of the said report:

Resolved, That, inasmuch as the resolutions of Congress of the 7th and 20th of August last, did, by no means, comport with, but entirely preclude, any propositions made by our agents; it is, therefore, the opinion of this committee, that the propositions made by our agents to the committee of Congress, on the 18th of August last, ought not, in future, to be considered as binding on the part of Vermont.

Resolved, That it be and is hereby recommended to the Legislature of this state, that their thanks be returned to their honourable agents, for their good services in behalf of this state, on the business of their late mission to the Congress of the United States of America.

And this committee recommend to the Legislature of this state, to remain firm in the principles on which the state of Vermont first assumed government; and to hold the articles of union which connect each part of the state with the other, inviolate; and, for the further information and satisfaction of the honourable the Congress, and the world, do recommend to the Legislature to publish the following articles, which respect the admission of Vermont into the fœderal union, viz.

Art. 1st. That the independence of the state of Vermont be held sacred, and that no member of the Legislature shall give his vote, or otherwise use his endeavours, to obtain any act or resolution of Assembly, that shall endanger the existence, independence and well being of said state, by referring its independency to the arbitrament of any power.

Art. 2d. That whenever this state becomes united with the American States, and there shall then be any disputes between this and any of the United States, the Legislature of the state of Vermont will then, (as they have ever proposed) submit to Congress, or such other tribunal as may be mutually agreed on, for the settlement of any such disputes.

And that the impartial world may be fully convinced of the good and laudable disposition of Vermont, and of her readiness to comply with any reasonable proposal, for the adjustment of the disputes, respecting boundary lines, between this and the neighbouring states of New-Hampshire and New-York, this committee further recommend to the Legislature to make the following proposals to the said states of New-Hampshire and New-York respectively: that whereas, disputes have arisen between the states of New-Hampshire and Vermont, relative to jurisdictional boundary lines, &c. the Legislature of Vermont, being willing and desirous, as much as in them lies, to promote unity and good accord between the two states, do propose to the state of New-Hampshire, that all matters relating to the aforesaid dispute, shall be submitted to five, or more, judicious, unprejudiced persons, who shall be mutually agreed on, elected and chosen by a committee of Legislature, on the part of each state, respectively.

And that the states of New-Hampshire and Vermont do pledge their faith, each to the other, that the decision had, by the persons so elected, being made up in writing, signed by the President of such Commissioners, and delivered to the secretary of each state, respectively, shall be held sacredly binding on each of the said states of New-Hampshire and Vermont for ever.

And that proposals of the same tenor, be also made to the Legislature of New-York.

And this committee do further recommend, that nine persons be elected Commissioners, by the Legislature, on the part of Vermont, to treat with Commissioners to be elected on the part of New-Hampshire and New-York, respectively, for the adjusting the aforesaid jurisdictional boundary lines.

And that they be commissioned by his Excellency the Governor, and the faith of this state be by him pledged in behalf of the state, that the decision, thus had, shall, in future, be held as sacredly binding on the part of Vermont.

The committee further recommend to the Legislature, that the Proceedings of this committee, be officially transmitted to the Congress of the United States; and that they be enclosed in a letter, under the signature of his Excellency the Governor, and directed to the President of Congress.

And this committee do further advise the Legislature to recommend to the authority in every part of the state, to remain firm in the support of government, and the punctual execution of the laws, notwithstanding the various measures taken to create divisions and discord.

The commissioners chosen for the above purpose,—the honourable Elisha Paine, Jonas Fay, Ira Allen, and Peter Olcott, Esquires, Daniel Jones, Esquire, Colonel Gideon Warren, Phineas Whiteside, Esquire, Colonel Joseph Caldwell, and Ezra Stiles, Esquire.

Resolved, That it be an instruction to the said Commissioners, that they prepare, and make, the necessary defence in the premises, and that they introduce the said matters to New-Hampshire and New-York, in such way as to them shall appear best.

October 19, 1781.

Voted that this committee be dissolved.

(Signed) BEZA. WOODWARD, *Clerk of Committee.*"

" STATE OF VERMONT, IN GENERAL ASSEMBLY,
Charlestown, October 19*th*, 1781.

The aforesaid report being read, and question being put, it was unanimously approved and accepted.

(Signed) ROSWELL HOPKINS, *Clerk.*

In Council, October 19*th*, 1781.

Read and concurred,
(Signed) JOSEPH FAY, *Secretary.*"

Proceedings of the Legislature of New-York.

"STATE OF NEW-YORK.

In Senate and Assembly, the fifteenth and nineteenth days of November, in the sixth year of the independence of the said state, one thousand seven hundred and eighty one:

Resolved, That it appears, from sufficient evidence, that Congress did, by their act of the 24th of September, 1779, inter alia, earnestly recommend to the states of New-Hampshire, Massachusetts-Bay and New-York, to pass laws, expressly authorising Congress to hear and determine all differences between them, relative to their respective boundaries, in the mode prescribed by the articles of confederation; and also, by express laws for the purpose, to refer to the decision of Congress all differences or disputes between them, relative to jurisdiction, which they might, respectively, have with the people of the district, called the New-Hampshire grants; and also, to authorise Congress to proceed to hear and determine all disputes subsisting between the grantees of the said states, respecting titles to lands lying within the said district; and also, that Congress did, thereby, pledge their faith, after a full and fair hearing of all the said differences and disputes, to decide and determine the same, according to equity, and carry into execution and support their determinations and decisions in the premises.

Resolved, That it appears from the like evidence, that, at the time of passing the said act, and for above a century and an half before, to wit, from the first settlement of the colony of New-York, now the state of New York, the said colony and this state included, by most indubitable right and title, both of jurisdiction and property, all the lands, among others to the westward thereof, lying north of the north bounds of the Massachusetts-Bay, up to the latitude of forty-five degrees north, and extending between those boundaries, from Hudson's river to Connecticut river, including the waters of the northern lakes, and other waters within those boundaries: that the above extent of territory, which includes the district, called the New-Hampshire grants, was, by a decree of the British King, to whom the sovereignty thereof, as parcel of the colony of New York, belonged, made in his Privy Council, the twentieth day of July, one thousand seven hundred sixty-four, between the colonies of New-York and New-Hampshire, declared to be parcel of the said colony of New-York: that, in consequence thereof, the government of the colony of New-Hampshire, expressly ceded and relinquished all claim and title of jurisdiction to the above territory: that, thereupon, the same was, by acts of legislation of the colony of New-York, formed into counties, and such parts thereof as were settled, were represented in the Legislature of that colony: that they were also represented in the Provincial Congress and Convention of this State of New-York; received aids from them, as parcel of this State, both before and after the declaration of the independence of these United States; assisted, by their representatives, in forming the constitution of this state, and fully submitted to the jurisdiction thereof, till in the year one thousand seven hundred and seventy seven.

Resolved, That it appears of record, that, notwithstanding the above clear and conclusive evidence of right, on the part of this state of New-York, to the territory above described, including, as aforesaid, the New-Hampshire grants, and though the Legislature of this state might, therefore, consistently with the strictest justice, have asserted their dignity and sovereignty over the district of the New-Hampshire grants; yet they, respectfully adopting the sentiments of Congress, that it was essential to the interest of the whole confederacy, carefully to avoid all intestine dissentions and maintain domestic peace and good order, acquiesced in the submission recommended by the said act of Congress, and, accordingly, on the 21st day of October, one thousand seven hundred and seventy nine, passed a law of this state for that purpose.

Resolved, That it satisfactorily appears that, in consequence of said law, the agents, thereby appointed to manage the controversy on the part of this state, at very great public expence, collected the necessary evidence to support the facts asserted in the second above mentioned resolution; and that, after many and repeated delays, they were, at length, on the nineteenth day of September, one thousand seven hundred and eighty, in the presence of all the parties interested (except the state of Massachusetts-Bay, who had not passed the necessary act of submission) indulged with an hearing before Congress; in the course of which, such evidence as above mentioned, was produced on the part of this state, as, in the opinion of the agents of this state, fully proved to Congress, the several facts contained in the said second above mentioned resolution; and that, on the twenty-seventh day of the same month, all parties being present, (except the state of Massachusetts-Bay, and Messrs. Allen and Bradley, agents for the people of the New-Hampshire grants, claiming to be a separate independent jurisdiction, who, though duly notified, then declined any further attendance) the state of New-Hampshire, who had also submitted by their legislative act, had an hearing in Congress, in support of their claim to the jurisdiction over the district, called the New Hampshire grants; that this state has, on their part, fully complied with every requisite contained in the said act of Congress, of the twenty fourth day of September, one thousand seven hundred and seventy-nine, and has, accordingly, from that day to this, abstained from the grant of any lands within the said district, and also from the exercise of jurisdiction over any of the inhabitants of the said district, who had not acknowledged the same; that, on the contrary, the revolted inhabitants of the said district having arbitrarily erected themselves into a separate and independent state, unrecognized as such, until this day, by this state, or the other United States, and, having framed a government, they have passed laws, granted lands, and exercised civil and military authority over the persons and property of those inhabitants, who profess themselves to be subjects of this state, in manifest subversion of the right of sovereignty and property of this state, and in direct contempt and infringement of several acts of Congress: that, although they had contented themselves with the exercise of jurisdiction principally up to a line running nearly parallel to Hudson's river, at twenty miles distant therefrom, until the month of June last: yet, at that time, notwithstanding the censure and prohibition of Congress, and in contempt of their recommendation and authority, by an act of their usurped government, they extended a jurisdictional claim over all the lands situate north of the north line of the state of Massachusetts, and extending the same to Hudson's river, then east of the centre of the deepest channel of said river, to the head thereof, from thence east of a north line, being extended to latitude forty five degrees, and south of the same line, including all the lands and waters to the place where the said pretended state then assumed to exercise jurisdiction; inserting, at the same time, in their said act, a clause not to exercise jurisdiction within their jurisdictional claims, for the time being: that, of all these matters Congress have been fully apprized, and though repeatedly solicited thereto, by the delegates of this state, have not, hitherto, made any decision and determination of the said controversy, according to equity, as by their said act of the twenty-fourth day of September, one thousand seven hundred and seventy-nine, they pledged themselves, and by the law of this state they were authorised to do: that, to put an end to this delay, so injurious to the jurisdiction of this state, so subversive of its interests, peace and policy, so promotive of a repetition of those violent acts of usurped civil and military authority, which, in the judgment of Congress, declared in their resolution of the second of October, one thousand seven hundred and eighty, were highly unwarrantable and subversive of the peace and welfare of the United States, and from which they require the people inhabiting the said grants to desist, until the decision and determination of Congress in the premises, they have actually presumed to exercise sovereign authority and jurisdiction, to the full extent of their said jurisdictional claim, by appointing civil and military officers, making levies of men and money, rescuing delinquents from the hands of justice of this state, at the expence of the blood and the loss of the life of one of the subjects of this state, in the execution of his lawful duty, and forbidding the officers of justice of this state to execute their offices, as appears from the papers attendant on his Excellency the Governor's speech, and other due information; that, among these, to shew the actual exercise of jurisdiction by the usurped government of the said grants, by the stile and title of the state of Vermont, over the territory contained within the said jurisdictional claim, is the copy of a certain proclamation, bearing date the eighteenth day of July, one thousand seven hundred and eighty-one, purporting to be under the seal of the said pretended state, signed by Thomas Chittenden, who stiles himself their governor, which, after divers falsities and absurdities therein contained, asserts that commissions, both civil and military, had then been lately issued by the supreme authority of the said pretended state, to persons chosen agreeable to the laws and customs thereof, in the several districts and corporations within the limits of the above mentioned western or jurisdictional claim; strictly requires, charges and commands all persons, of whatsoever quality or denomination, residing within the said western claim of jurisdiction, to take due notice of the laws and orders of the said pretended state, and to govern themselves accordingly, on pain of incurring the penalties therein contained; and strictly requires, charges and commands all magistrates, justices of the peace, sheriffs, constables, and all other civil and all military officers, to be active and vigilant in executing the laws aforesaid, without partiality.

Resolved, That the Legislature of this state is greatly alarmed at the evident intention of Congress, from *political expedience*, as it is expressed in a letter from his Excellency the President of Congress, to his Excellency the Governor of this state, of the 8th of August last, and as is evinced in their acts of the 7th and 20th of the same month, enclosed therein, to establish an *arbitrary* boundary, whereby to exclude out of this state the greatest part of territory described in the second resolution above mentioned, belonging, most unquestionably, to this state, as part, parcel and member thereof, and to erect such dismemberment, possessed by the revolted subjects of this state, into an independent state, and, as such, to admit them into the fœderal union of these United States; especially as the two last mentioned acts seem to express the sense of Congress, that the territories of this state, by the articles of confederation are, and, as in fact and truth they are, by the second and third articles thereof, guaranteed, and still more especially, as by a proviso in the ninth article, it is provided that no state shall be deprived of territory for the benefit of the United States.

Resolved, That it is the sense of the Legislature, that Congress have not any authority, by the articles of confederation, in any wise, to intermeddle with the former territorial extent of jurisdiction or property of either of these United States, except in cases of disputes concerning the same, between two or more states in the union, nor to admit into the union, even any British colony, except Canada, without the consent of nine states, nor any other state whatsoever, nor, above all, to create a new state, by dismembering one of the thirteen United States, without their universal consent.

Resolved, That in case of any attempt by Congress to carry into execution their said acts of the seventh and twentieth of August last, this Legislature, with all due deference to Congress, are bound, in duty to their constituents, to declare the same an assumption of power, in the face of the said act of submission of this state, and against the clear letter and spirit of the second, third, ninth and eleventh articles of the confederation, and a manifest infraction of the same; and do, therefore, hereby solemnly *protest* against the same.

Resolved, That a copy of these resolutions be forthwith made and certified by the President of the Senate, and the Speaker of the Assembly, in presence of his Excellency the Governor, who is hereby requested to attest the same with the great seal of this state, and transmit it, without delay, to Congress, to the end that the same may be entered on their journals, or filed in their archives, *in perpetuam rei memoriam*; and that another copy, so certified as aforesaid, be delivered to the delegates of this state, for their use and guidance, and that they be, and hereby are expressly directed and required to enter their dissent on every step which may be taken in, and towards, carrying the said two last mentioned acts of Congress into execution."

Among the early statesmen of Vermont, few probably, watched the course of events with more sagacity and vigilance, or felt a solicitude for the state, more intense and unwearied, than Governor Chittenden.

Finding its affairs approaching a dangerous crisis, on the 14th of November, 1781, he addressed General Washington, on the subject. It is to be regreted that a copy of this communication is not to be found. We are only able to state from Dr. Williams' history, that he "explained to General Washington the situation, difficulties and views of Vermont, and gave him an account of the transactions with the enemy; assigning, as the reason, that 'Vermont, drove to desperation, by the injustice of those who should have been her friends, was obliged to adopt policy, in the room of power.' With regard to the last resolution of Congress, he ascribed it to the true cause,—not the influence of their friends, but the power of their enemies:—'Lord George Germain's letter* wrought on Congress, and procured that for them, which the publick virtue of this people could not obtain."

This communication was answered by General Washington, on the 1st of January, 1782. The following extract from his answer is preserved in Williams' history.

> "It is not my business, neither do I think it necessary, now, to discuss the origin of the right of a number of inhabitants, to that tract of country, formerly distinguished by the name of the New-Hampshire grants, and now known by that of Vermont. I will take it for granted that their right was good, because Congress, by their resolve of the 7th of August, imply it; and by that of the 21st, are willing fully to confirm it, provided the new state is confined to certain described bounds. It appears, therefore, to me, that the dispute of boundary, is the only one that exists, and that being removed, all other difficulties would be removed also, and the matter terminated to the satisfaction of all parties. You have nothing to do but withdraw your jurisdiction to the confines of your own limits, and obtain an acknowledgment of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established bounds of New-York, New-Hampshire and Massachusetts. In my private opinion, while it behoves the delegates to do ample justice to a body of people, sufficiently respectable by their numbers, and entitled, by other claims, to be admitted into the confederation, it becomes them also, to attend to the interests of their constituents, and see, that under the appearance of justice to one, they do not materially injure the rights of others. I am apt to think this is the prevailing opinion of Congress."

This communication exerted a powerful influence upon the minds of the leading men in Vermont. At the following session of the Legislature, the subject was again taken up, and the condition embraced in the resolution of Congress, was complied with. The following extracts from the journals, exhibits an account of the proceedings, which resulted in a dissolution of the eastern and western unions.

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* See page 150

"STATE OF VERMONT, *Bennington, Feb.* 19*th*, 1782.

The Governor and Council having joined the General Assembly, in a committee of the whole, to take into consideration the resolutions of Congress of the 7th and 21st of August last.

His Excellency THOMAS CHITTENDEN, *Esquire, in the Chair.*

The following papers were read by the secretary in their order, viz.

1st. The said resolutions of the 7th and 21st of August, and a letter from his Excellency the President of Congress, to his Excellency the Governor, enclosing them.

2d. A private letter from his Excellency General Washington, to his Excellency the Governor, dated, Philadelphia, January 1st, 1782.

3d. A letter from General Oliver Woolcott, to his Excellency the Governor, dated January 18th, 1782.

4th. A letter from the Revd. Jonathan Edwards, to Noah Smith.

5th. The articles of unions with the eastern and western districts.

Adjourned until 2 o'clock, P. M.

Met, according to adjournment.

6th. The Proceedings of the Legislature, in October last, upon the said resolutions of Congress, were read.

After some debate, adjourned until to-morrow morning, 9 o'clock.

February 20*th*, 9 *o'clock.*

Met, agreeable to adjournment.

7th. A letter from Colonel Lutterloh, to Major Fay, was read; and after some debate on the business, adjourned until 2 o'clock, P. M.

2 o'clock, P. M. met, according to adjournment.

8th. A letter from General Patterson, to Major Fay, was read.

A motion was made by Mr. Chandler, that the sense of the committee be taken upon the following question, viz:—whether Congress, in their resolutions of the 7th and 21st of August last, in guaranteeing, to the respective states of New-York and New-Hampshire, all the territory without certain limits, therein expressed, has not eventually determined the boundaries of this state?

Which question being put, was carried in the affirmative: whereupon,

Resolved, That, in the opinion of this committee, Congress, in their resolutions of the 7th and 21st of August last, in guaranteeing to the respective states of New-York and New-Hampshire, all territory without certain limits, therein expressed, have eventually determined the boundaries of this state.

And whereas, it appears to this committee, consistent with the spirit, true intent and meaning of the articles of union, entered into by this state with the inhabitants of a certain district of country, on the east side of the west bank of Connecticut river, and on the west side of a line twenty miles east of Hudson's river; (which articles of union were executed on the 23d day of February, and the 15th day of June last past,) that Congress should consider, and determine, the boundary lines of this state.—Therefore, this committee recommend to the Assembly of this state, to pass resolutions, declaring their acquiescence in, and accession to, the determination made by Congress of the said boundary lines, between the states of New-Hampshire and New-York, respectively, and this state, as they are, in said resolutions, defined and described; and also, expressly relinquishing all claim to, and jurisdiction of, and over, the said districts of territory, without said boundary lines, and the inhabitants thereon residing.

Confiding in the faith, and wisdom of Congress, that they will, immediately, enter on measures to carry into effect the other matters in said resolutions continued, and settle on equitable terms, whereby this state may be received into, and have and enjoy all the protection, rights and advantages of a federal union with the United States of America. as a free, independent and sovereign state, as is held forth to us in and by said resolutions.

And this committee do further recommend to the Assembly, that they cause official information of their rosolutions to be immediately transmitted to the Congress of the United States, and the States of New-York and New-Hampshire."

The foregoing Proceedings of the committee of the whole, were reported to the house, and on the 23d of February, the report was accepted; whereupon, it was

"*Resolved*, That the west bank of Connecticut river, and a line beginning at the northwest corner of the Massachusetts state, from thence northward, twenty miles east of Hudson's river, as specified in the resolutions of August last, shall be considered as the east and west boundaries of this state; and that this Assembly do, hereby, relinquish all claim and demand to, and right of jurisdiction in, and over, any, and every district of territory without said boundary line; and that authenticated copies of this resolution be, forthwith, officially transmitted to Congress, and the States of New-Hampshire and New-York, respectively."

Immediately after the adoption of the foregoing resolution, the Legislature appointed four Agents to negociate the admission of Vermont into the union; and instructed them as follows.

"Private instructions to the honourable Jonas Fay, Moses Robinson, and Paul Spooner, Esquires, and Isaac Tichenor, Esquire, Agents, elected to negociate the admission of the state of Vermont into the confederation of the United States, and Delegates to Congress, in case of such admission.

GENTLEMEN,

You will repair, without loss of time, to Philadelphia, and are to consider yourselves as Plenipotentiaries, invested with full power to agree on terms upon which this state shall come into an union with the United States of North America; and, in case of such agreement, in behalf of this state, to sign and ratify articles of fœderal union with the confederated states of America; but it is not expected that more than one of you will remain at Philadelphia, at a time.

In your negociation, it is expected that you will so conduct, as to induce the persons you negociate with, to believe that your constituents expect to be admitted free from arrears of the continental debt, already accrued; and to discharge their own. If this cannot be obtained, it is expected that you will reduce that part of the continental debt, which this state shall have to pay, to as small a sum as possible:—And that you make returns to his Excellency the Governor, as soon as may be, of the certain sum which you shall covenant that this state shall pay.

SAMUEL FLETCHER, *for Committee.*

STATE OF }
VERMONT, } *In General Assembly, Feb. 26th,* 1782.

The within instructions were read, and passed the House.

Attest, ROS. HOPKINS, *Clerk.*

*True Copy,**
Attest, THOMAS TOLMAN, *D. Sec. Council.*

The friends of Vermont now confidently anticipated a speedy termination of the controversy with New-York;—that, having complied with the condition held out by Congress in their resolution of the 20th of August, she would, forthwith, be admitted into the union. But they were doomed to disappointment;—a disappointment, the pain and mortification of which, could only be exceeded by the impolicy and injustice of the neglect which produced it.

On the 17th of April following, a committee of Congress, consisting of Mr. Clymer, Mr. Carroll, Mr. Clark, Mr. Livermore, and Mr. Law, to whom the foregoing Proceedings of the Legislature of Vermont, and sundry other papers relating to the subject, had been referred, reported to Congress, as follows.

"That Congress, on the 20th of August last, by the votes of nine states, resolved as follows: on a reconsideration of the resolution respecting the people inhabiting the New-Hampshire grants, it was altered and agreed to as follows:

"It being the fixed purpose of Congress to adhere to the guarantee to the States of New-Hampshire and New-York, contained in the resolutions of the seventh instant:

Resolved, That it be an indipensable preliminary to the recognition of the independence of the people inhabiting the territory, called Vermont, and their admission into the fœderal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the north west corner of the state of Massachusetts, thence running twenty miles east of Hudson's river, so far as the said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New-Hampshire, to the river running from South Bay to Lake Champlain, thence along said river to Lake Champlain, thence along the waters of Lake Champlain to latitude forty-five degrees north, excepting a neck of land between Missiskoy-Bay and the waters of Lake Champlain ;" which resolution was reconsidered and confirmed on the succeeding day, to wit, the 21st of the same month :

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* This copy has been found among the papers of Jonas Fay, one of the Agents therein named.

That, in the opinion of your committee, the competency of Congress to enter into the above resolutions, was full and complete,—the concurrent resolutions of the Senate and Assembly of the State of New-York, of the fifteenth and nineteenth of November last, containing a protest against the authority of Congress in the matter, notwithstanding; these concurrent resolutions, in letter and in spirit, being, undeniably, incompatible with a legislative act of the said state of a preceding day, to wit, the twenty-first of October, 1779, wherein there is an absolute reference of the dispute between that state and the people of Vermont, respecting jurisdiction, to the final arbitrament and decision of Congress : and from which alone would result to Congress all the necessary authority herein :

That on the   day of   the people residing in the district, called Vermont, in considering the said acts of Congress of the 20th and 21st of August, did reject the propositions therein made to them, as preliminary to an acknowledgment of their sovereignty and independence, and admission into the federal union, as appears by their proceedings on the files of Congress : but that, on a subsequent day, the aforementioned resolutions of the 20th and 21st of August, being unaltered and unrepealed, and the proposition therein contained, in the opinion of your committee, still open to be acceded to, the said people did, in their general assembly, on the twenty-second of February last, enter into the following resolution :

"That the west bank of Connecticut river, and a line beginning at the northwest corner of the commonwealth of Massachusets, from thence northward twenty miles east of Hudson's river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this state.

And that this Assembly do, hereby, relinquish all claims and demands to, and right of jurisdiction in and over, any and every district of territory without said boundary lines :"

That, in the sense of your committee, the people of the said district, by the last recited act, have fully complied with the stipulation, made and required of them, in the resolutions of the 20th and 21st of August, as preliminary to a recognition of their soverignty and independence, and admission into the federal union of the states, and that the *conditional* promise and engagement of Congress, of such recognition and admission, is thereby become *absolute*, and necessary to be performed ; your committee therefore submit the followiug resolution :

That the district or territory, called Vermont, as defined and limited in the resolutions of Congress of the 20th and 21st of August, 1781, be and it is hereby recognized and acknowledged by the name of the State of Vermont, as free, sovereign and independent ; and that a committee be appointed to treat and confer with the agents and delegates from said state, upon the terms and mode of the admission of the said state, into the fœderal union."

On the reading of the foregoing report, a motion was made, "that the first Tuesday in October next, be assigned for its consideration;" which was lost. A motion was then made "that the third Tuesday of June next, be assigned for its consideration,"—which was also lost. It was then moved "that Monday next be assigned for the consideration of the report,"—which was decided in the negative. Thus Congress, in effect, decided that they would not consider the subject at all; and thus terminated, at once, all reliance on the faith of Congress, and all hopes of a speedy admission into the union.

Disappointed at this result, the Agents of Vermont immediately left Philadelphia, having previously addressed the following letter to the President of Congress.

PHILADELPHIA, *April 19th,* 1782.

SIR,

The situation in which Congress has been pleased to leave the business of our mission, as agents and delegates from the state of Vermont, renders our attendance, at present, unnecessary.

As the representatives of an independent and virtuous people, we esteem it our duty to inform Congress that, in consequence of their faith, pledged to us, in and by a resolution of the 20th of August last, and by official advice from sundry gentlemen of the first character in America, the Legislature of Vermont have been prevailed upon to comply, in the most ample manner, with the resolution aforesaid.

On the 31st ult. we, officially, acquainted Congress with the said compliance, together with the powers vested in us, in full confidence that, from the integrity and wisdom of that honorable body, no obstacle could prevent our confederation and union with them.

We are disappointed by the unexpected delay of Congress, in executing, on their part, the intent and spirit of the resolve above cited.

We would not wish to urge the attention of the grand Council of America from matters of more consequence than merely the happiness of a state: but the critical situation Vermont is reduced to, by casting off a considerable part of her strength, in being exposed, as a forlorn hope, to the main force of the enemy in Canada, and destitute of the aid of the United States, in whose cause, at an early period, she freely fought and suffered, will, we presume, sufficiently apologize for being thus urgent, that unnecessary delay may not deprive us of the benefits of the confederation.

We purpose to leave this city to-morrow morning, and expect to be officially acquainted when our attendance will be necessary; and have the honor to be, Sir, your most obedient and humble servants.

JONAS FAY,
MOSES ROBINSON,
ISAAC TICHENOR.

His Excellency the President of Congress.

We here interrupt, for a moment, the chain of events, directly connected with the efforts of Vermont to obtain admission into the union, for the purpose of presenting, in the order of time, the two following acts of the Legislature of New-York.

"An act for pardoning certain offences committed in the northeastern part of this state. Passed the 14th April, 1782.

Whereas, divers inhabitants, residing in the northeastern part of this state, who have, heretofore, denied the sovereignty and jurisdiction of the people of this state, in and over that part of this state, and, by their unwarrantable combinations, created commotions, to the great disturbance of the peace and tranquility of this state, have, by their humble petition to the Legislature, represented that they were seduced and misled, by artful and designing men, from their duty and allegiance to this state; and have, moreover, professed a sincere repentance of their crimes and misdemeanors, and implored the clemency of government, and humbly entreated the passing of an act of indemnity, oblivion and pardon: and this Legislature being disposed to extend mercy:

Be it therefore enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted, by the authority of the same, That all such of the inhabitants of this state, who dwell and reside north of the north bounds of the state of Massachusetts continued to Hudson's river, east of Hudson's river, south of the latitude forty-five degrees north, and west of Connecticut river, are hereby acquitted, pardoned, released and discharged from all treasons, felonies and conspiracies, whatsoever, at any time heretofore done and committed by them or any of them, against the people of the state of New-York, as sovereign thereof, or against the government and authority derived from, or established by, the said people; all capital, corporal or pecuniary punishment, fines and forfeitures, judgments and executions, to which they severally were liable, in consequence of the crimes and offences aforesaid, are hereby remitted and discharged; and all and every the said persons shall be, and hereby are, fully and wholly restored, in person and estate, to the same state and condition wherein they severally were, at any time before the said crimes and offences were committed or perpetrated.

And be it further enacted by the authority aforesaid, That no person or persons whatsoever, shall have the benefit of the said pardon, for the purpose of pleading the same against any charge of treason or other offence already found, or hereafter to be found, against them or any of them, for adhering to the King of Great-Britain, the enemy of this state, or for any murder; or that such pardon shall be a bar to a conviction, judgment or execution for the said treason or other offence, last mentioned, or for murder as aforesaid."

"An act for quieting the minds of the inhabitants in the northeastern parts of this state. Passed the 14th April, 1782.

Be it enacted by the people of the state of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That all charters, patents or grants, for lands within this state, lying within the following bounds, to wit; Beginning at a certain point in the west bank of Connecticut river, where the boundary line between the states of Massachusetts and New-Hampshire, if continued across the said river, would intersect the said west bank, and running from the said point, along the west bank of Connecticut river to the latitude of forty five degrees north, thence westerly, in the said latitude,, to the west side of Missisqua Bay, in Lake Champlain, thence westerly, in the said latitude, to the east bank of the waters of the said lake, thence southerly, along the east bank of the said lake and the waters thereof, to the most southerly point where any of the grants, heretofore issued or made, by the late government of the late colony of New-Hampshire, come to the said lake, thence along the south and west bounds of the said grants, or as the said grants are now held or possessed under such grants, so far south, as to meet with a line continued from the first mentioned boundary between the states of Massachusetts and New-Hampshire, through the said place or point of beginning, thence easterly, by the said continued line as aforesaid, to the said place or point of beginning,—made or issued by the government of the late colony, now state of New-Hampshire, and which were made or issued, prior to any charter, patent or grant for the same lands, heretofore made or issued by the government of the late colony, now state of New-York, or by the government of any other colony, shall be, and hereby are, ratified and confirmed to the respective grantees, their heirs and assigns forever; and every such prior charter, patent or grant, is hereby declared to be as legal and valid, to all intents, constructions and purposes whatsoever, as if the same had been made or issued under the great seal of the said late colony of New-York, or had been made or issued under the great seal of this state, and as such, may be given, and shall be allowed, in evidence, in every court of record within this state; and no such charter, patent or grant, hereby ratified and confirmed as aforesaid, shall be deemed void, or in any wise injured, by reason of the non-performance of any condition or provision therein contained, or by reason of the non-payment of any quit-rent therein reserved; any law, usage or custom to the contrary thereof, notwithstanding; provided always, that any person or persons who, heretofore, held or claimed lands under grants from the late colony of New-Hampshire, who have, afterwards, obtained grants for the same lands, either to themselves or to others, in trust for them, under the late colony of New-York, operating as a confirmation thereof,—in such case or cases, such person or persons, or their assignees, shall be deemed forever hereafter, to hold the said lands by the latter title.

And whereas, many of the inhabitants residing within the district of country above described, did, in or about the year one thousand seven hundred and seventy-seven, declare themselves an independent people, and did assume a government under the name, style or title of the government of the state of Vermont, or of the state of Vermont; and the said assumed government hath made grants of lands within the said territory:

Be it further enacted by the authority aforesaid, That all charters, patents or grants of lands, so made or issued, before the passing of this act, and which were made or issued prior to any charter, patent or grant for the same lands, heretofore made or issued, by the government of the late colony of New-York, shall be, and hereby are, ratified and confirmed to the respective grantees, their heirs and assigns forever; and such charters, patents or grants, are hereby declared to be as legal and valid, to all intents, constructions and purposes whatsoever, as if the same had been made or issued by the government of this state; and as such, may be given, and shall be allowed, in evidence, in any court of record within this state; and no such charter, patent or grant, so ratified and confirmed, as last aforesaid, shall be deemed void, or in any wise injured, by reason of the non-performance of any condition or proviso therein contained, or by reason of the non-payment of any quit-rent therein reserved; any law, usage or custom, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That all persons now actually occupying, possessing and improving, lands within the said district of country, or who did, at any time, before the passing of this act, actually occupy, possess and improve lands therein, not heretofore granted by any late colony, shall be, and they, and their legal representatives, respectively, are hereby confirmed in such their respective possessions and improvements, and shall have, and receive, patents therefor, from the government of this state, without paying for such patent any fee or reward, the expence of surveying such lands excepted; provided, that no such patent as last aforesaid, shall issue, for more than the quantity of five hundred acres of land; and where such occupant, possessor or improver, or legal representatives, shall not have possessed the said quantity of five hundred acres of land, he or she shall, respectively, be allowed and granted such additional quantity of land, out of any vacant, unappropriated lands, lying contiguous to such possession, as shall be equal to the deficiency.

And whereas, it is the intention of the Legislature, that such parts of this act as relate to quieting or confirming titles and possessions, within the district of country, as aforesaid, shall not take effect, and that the inhabitants residing within the said district of country, should not have the benefits thereby intended, unless they should agree to renounce the said assumed government, and return to their allegiance to the government of this state:

Be it, therefore, further enacted by the authority aforesaid, That, upon application of commissioners or agents, authorised and appointed by the inhabitants residing in the said district of country, or by the inhabitants of any town or towns, or district or districts therein, to the person administring the government of this state, for the time being, touching or concerning the ratifying, confirming and quieting any titles to, or possessions of, lands within the district aforesaid, in cases not provided for by this act, and of and concerning the mode, manner, terms and conditions, agreeable to, and on which, the inhabitants within the district of country aforesaid, shall agree to renounce the said assumed government, and acknowledge allegiance to the government of this state, it shall and may be lawful for the person administring the government of this state, for the time being, by and with the advice and consent of the council of appointment, to appoint and commissionate, under the great seal of this state, three commissioners to meet, confer and agree with such commissioners or agents, authorised and appointed by the said inhabitants of the said district of country, or by the inhabitants of any town or towns, or district or districts therein, on all and singular the matters and things above mentioned; and all compacts, agreements and acts, entered into, made or done by the said commissioners to be appointed on behalf of this state, or any two of them, of or concerning the premises, shall be finally conclusive and binding on the government of this state: provided nevertheless, that nothing in this act contained, shall be construed to authorise the said commissioners to agree to cede or relinquish the jurisdiction of this state over the district of country aforesaid, or any part thereof, to any people, assemblies of people, or person or persons whatsoever, or to consent or agree that any part of the constitution of this state, shall be altered or changed.

And be it further enacted by the authority aforesaid, That nothing in this act contained, shall be deemed, construed or taken, to restore any person or persons, or his or their heirs, to his or their estate within the said district of country, who now stand attainted by the government of this state, for adherence to the king of Great-Britain, or whose estate or estates have, or shall, become confiscate for such adherence, by virtue of any law of this state."

Notwithstanding the unsettled and embarrassing state of her external relations, the internal tranquility of Vermont had, for some time, remained undisturbed. Her political institutions had been gradually maturing, and had assumed the tone of a regularly organized government; which, though its constitution and administration were materially defective, commanded the submission and respect of the great body of the citizens. New-York abstained from any direct interference with the internal government of the state, contenting herself with a general claim of jurisdiction, and an opposition to the admission of Vermont into the union. There were some, however, who yielded a reluctant submission to the government of Vermont, and who, as we shall soon see, were ready to embrace any favorable occasion to renounce their allegiance to the state.

Exposed to invasion from the enemy in Canada, and left unprotected by the withdrawing of the continental troops from the northern frrontier, the government of Vermont found it necessary to order a draft of militia, for the purpose of defence. This draft was resisted by sundry disaffected persons in the southeastern part of the State, who were encouraged in their opposition, by the Governor of New-York. To several of these persons, civil and military commissions were given by the government of that state, and an attempt was made to enforce its laws upon the citizens of Vermont.

To the force raised to effect this treasonable purpose, it was found necessary to oppose the prompt and rigid execution of the law. Five of the principal persons engaged in opposition to the authority of Vermont, were arraigned before the Supreme Court, and sentenced to be punished by banishment and confiscation of their estates. They immediately forwarded to Congress a remonstrance, in which they claimed the interference of that body, on the ground that their resolutions of the 24th of September, 1779, and 2d of June, 1780, had been violated; inasmuch as the government of Vermont had "exercised authority over inhabitants, holding themselves to be subjects of, and to owe allegiance to, the state of New-York." This remonstrance appears to have been seconded by a letter from the Governor of New-York, of the 16th of September, 1782.

On the 5th of December following, the subject came before Congress; at which time the following resolution was adopted:

"Whereas, it appears to Congress, by authentic documents, that the people inhabiting the district of country on the west side of Connecticut river, commonly called the New-Hampshire Grants, and claiming to be an independent state, in contempt of the authority of Congress, and in direct violation of their resolutions of the 24th of September, 1779, and of the 2d of June, 1780, did, in the month of September last, proceed to exercise jurisdiction over the persons and properties of sundry inhabitants of the said district, professing themselves to be subjects of, and to owe allegiance to the state of New-York, by means whereof divers of them have been condemned to banishment, not to return on pain of death and confiscation of estate, and others have been fined in large sums and otherwise deprived of property; therefore,

Resolved, That the said acts and proceedings of the said people, being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy, relative to the jurisdiction of the same:

That the people inhabiting the said district, claiming to be independent, be, and they are hereby required, without delay, to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck, and such others as have been condemned to banishment and confiscation of estate, or have otherwise been deprived of property, since the first day of September last, for the damages they have sustained by the acts and proceedings aforesaid; and that they be not molested in their persons or properties, on their return to their habitations in the said district:

That the United States will take effectual measures to enforce a compliance with the aforesaid resolutions, in case the same shall be disobeyed by the people of the said district:

That no persons holding commissions under the state of New-York, or under the people of the said district claiming to be independent, exercise any authority over the persons and properties of any inhabitants in the said district, contrary to the forementioned resolutions of the 24th of September, 1779, and the 2d of June, 1780:

That a copy of the foregoing resolutions be transmitted to Thomas Chittenden, Esq. of Bennington, in the district aforesaid, to be communicated to the people thereof."

By this extraordinary resolution, Congress evinced a determination to persist in the fatal error which produced the resolutions of the 24th of September, 1779, and 2d of June, 1780,—that of assuming the prerogative of legislating upon the rights of Vermont, and even controlling her internal police, without her consent.

Those who have become acquainted with the statesmen of that period, by an attentive perusal of the documents we have recorded, will be prepared for the following remonstrance which this act of Congress drew from his Excellency Governor Chittenden. Its force of reasoning, and severity of rebuke, could hardly have been exceeded.

BENNINGTON, January 9, 1783.

To his Excellency the President of Congress:

SIR,

Your Excellency's letter of the 11th ult. inclosing an Act of Congress of the 5th of December last, I have duly received, and have this day laid the same before the Council of this State, who agree in the opinion, that the interference of Congress to controul the internal police and government of this State, is a matter too serious and extensive in its nature, to be determined, without consulting the Legislative Authority of the State, whose adjourned session is to be attended on the second Thursday of February next; at which time, I shall lay the same before them, and, as soon as may be, communicate to your Excellency their determinations on the premises. And, in the mean time, beg leave to lay before Congress the following remonstrance against their said Act, which is founded *partly* on a mutual agreement between Congress on the one part, and the State of Vermont on the other, that the latter should have been taken into the fœderal union of the United States, previous to the date of the passing of the said Act; and *partly* on the impropriety of the claim of Congress to interfere in the internal government of this State. And,

1st. Congress is reminded of their solemn engagements to this State, in their public acts of the 7th and 21st* of August, 1781, which were officially transmitted to the Legislature of this State, and are in the words following:

[Here follow the resolutions of Congress of August 7th and 20th, 1781, as inserted above, pages 157, 159.]

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* It seems from the proceedings of Congress on the 17th of April, that the resolution of the 20th of August, 1781, was reconsidered and amended on the 21st. This fact accounts for its being referred to in different documents, under each of those dates. The printed journal of Congress of the 21st, however, contains no notice of its reconsideration or amendment.

Confiding in *the faith and honor of Congress* in the foregoing resolutions, and, in consequence of advice received in a letter from his Excellency General Washington, dated the 1st of January, 1782, which was publicly read and on which *great* confidence was placed, in which he says, " It is not my business, neither do I think it necessary, now to discuss the origin of the right of a number of inhabitants to that tract of country, formerly distinguished by the name of the New-Hampshire Grants, and now known by that of Vermont. I will take it for granted, that their right was good, because Congress, by their resolve of the 7th of August implies it, and by that of the 21st are willing fully to confirm it, provided the new State is confined to certain described bounds. It appears, therefore, to me, that the dispute of boundary is the only one that exists, and that, that being removed, all further difficulties would be removed also, and the matter terminated to the satisfaction of all parties." His Excellency the General further observes ; " You have nothing to do, but withdraw your jurisdiction to the confines of your old limits, and obtain an acknowledgement of independence and sovereignty, under the resolve of the 21st of August, for so much territory as does not interfere with the ancient established bounds of New-York, New-Hampshire, and Massachusetts. I persuade myself, you will see and acquiesce in the reason, the justice, and, indeed, necessity of such a decision."

The Legislature of this State were induced to comply with *the indispensable preliminary* required of them, in the last recited act of Congress, as appears by the following, which is an extract of their proceedings.

[His excellency here recites the resolution of the Legislature of Vermont, of the 23d of February, 1782, by which the eastern and western unions were dissolved, and the proceedings of Congress, thereon, of the 17th of April following; for which the reader is referred to pages 169, 170, 171, and 172, of this collection.]

By the last mentioned motions, and the manner in which Congress left the matter, the Agents and Delegates, in behalf of this State, officially delivered to his Excellency, then President of Congress, a letter, of which the following is a copy.

[For this letter, see page 172.]

In consequence of this procrastination of Congress, the Agents of Vermont returned, and reported the aforesaid proceedings to the Legislature of this State. And in October last, the said Legislature again appointed Agents, with full powers and instructions, for the purpose of meeting Congress upon terms and articles of an admission of this State into the fœderal union, not conceiving that Congress would have departed from their agreement before recited ; but supposing their hitherto declining to execute it, might have been owing to a stretch of policy incomprehensible to this government.

This being the confident disposition of the inhabitants of this State towards Congress; and a recognition of their independence and sovereignty, and admission into the fœderal union, being thus secured by the promise and engagement of the United States, they could not, in this situation, be otherwise than alarmed, on receiving an act of Congress in the following words:

[For this act of Congress, see page 177.]

From the before recited resolutions of Congress, the journals of the Legislature of this State, and the after transactions between the United States in Congress assembled, and the Agents or Delegates from this State, the following inferences are deduced, to wit; the last mentioned resolutions of Congress of the 5th of December, 1782, are altogether predicated on other resolutions of theirs, of the 24th of September, 1779, and 2d of June, 1780, which prescribed to this State, in part, a desisting from the exercise of civil government; in which intermediate space of time, between the passing of the said resolutions of the 24th of September, 1779, and 2d of June, 1780, and those of the 5th of December, 1782, a confederation or fœderal union between the United States, represented in Congress, and the Legislature of this State, had been mutually agreed upon between them; which agreement absolutely nullifies the force and validity of those resolutions of Congress of the 24th of September, 1779, and 2d of June, 1780, on the supposition, that they were originally binding on this government (which is by no means admitted.) And inasmuch as the said last resolutions of Congress of the 5th of December, 1782, are essentially founded on those antecedent resolutions of theirs, of 1779, and 1780, which were disannulled by the same authority that resolved them, in consequence of a subsequent mutual agreement of a fœderal union between the United States and this State, as aforesaid, and necessarily invalidates the last resolutions of Congress of the 5th of December, 1782; for they cannot be of any more validity than those other resolutions of 1779, and 1780, on which they were predicated; for, the before recited preliminary agreement, proposed on the part of Congress, of a fœderal union of the United States with this, and in the fullest and most explicit manner, acceded to, on the part of this State, is something or nothing. If it amounts to any thing, it supercedes and invalidates all antecedent and subsequent resolutions of Congress, respecting this State, and renders them nugatory, and is still binding on the part of Congress; but if such solemn agreements are nothing, all faith, trust or confidence in the transactions of public bodies, is at an end. So certain as the plighted faith of Congress, in their said stipulated agreement with this State, was originally binding on them, the obligation still remains the same, which, of necessary consequence, invalidates all other resolutions of Congress respecting this State, until it is ratified by an admittance of this State into the confederation of the United States, on their part. I have argued thus far on Congress' own principles; and proceed, next, to the second part of the argument, predicated on the impropriety of the pretensions of Congress to controul the internal police of this State. Congress will not (it is presumed) pretend to unlimited power, or to any other than what has been delegated to them from the United States; nor will they pretend, that their articles of confederation will warrant them in interfering with, or controuling, the internal police of the United States; whence, then, did they obtain a rightful prerogative over the internal police of this State, from which they have never received any delegated power? This State, (on revolution principles) has as good a right to independence as Congress, and has an equal right, (or rather no right,) to pass resolutions prescribing measures to Congress, as Congress has to prescribe to this State, to receive their banished, and make restitution to them and other criminals, of the property, which, by a legal process, has been taken from them, for their enormities heretofore committed against the laws and authority of this State. Formerly, it has been argued by Congress, and that justly, "That if Great Britain had a right to tax the" (then) "American Colonists, as they pleased, without representation, the Colonists could not call any part of their cash their own, since it might be taxed from them without their consent." The same argument will apply against the right of Congress to controul the civil authority of this State; for, if they may, in one instance, do it, they may in another, and so on, till they suppress the whole. But should they endeavor to frustrate the independence of this State, which has as good a right to it as themselves, it would be a manifest departure from their original design of liberty. Congress opposed the arbitrary, assumed prerogative of the British government, to make laws to bind the (then) colonists, or to controul their internal police, and have brought about a revolution, in which the people of this State have signalized themselves.

How inconsistent then, is it in Congress, to assume the same arbitrary stretch of prerogative over Vermont, for which they waged war against Great Britain? Is the liberty and natural rights of mankind a mere bubble, and the sport of state politicians? What avails it to America to establish one arbitrary power on the ruins of another? Congress set up as patriots for liberty; they did well,—but pray extend the liberty, for which they are contending, to others. The inhabitants of the territory of Vermont have lived in a state of independence from their first settlement, to this day. Their first mode of government and management of their internal police, was very similar to that of the United States, in their first separation from the British government. They were governed by Committees of Safety, and Conventions; which last was their highest judicature for the security of their just rights against the oppressions of the (then) province of New-York, (the principal officers of the *Green Mountain Boys* being then judges in the said Territory) and which, on the 15th day of January, 1777, declared themselves to be a free and independent State, and have, from their first settlement of the country, maintained their independence, and protected their lives and properties, against all invaders, and date their freedom from the royal adjudication of the boundary line between New-York and New-Hampshire, the 20th July, 1764, and are now in the eighteenth year of their independence, and cannot submit to be resolved out of it, by the undue influence, which the State of New-York (their old adversary) has in Congress. This is too much,—heaven forbid it! The feelings of the citizens of Vermont, over which I have the honor to preside (I am persuaded) will never give in to it;—they are free, and in possession of it, and will remain independent of New-York, notwithstanding their artifice or power. This State have no controversy with the United States, complexly considered, and is, at all times, ready and able to vindicate their just rights and liberties, against any usurpations of the State of New-York.

To return to the transactions of Congress, particularly their resolves of the 5th of December, 1782. "Resolved, That the said acts and proceedings of the said people,"—(*which was that of their courts of justice punishing delinquents, in due form of law,*" "being highly derogatory to the authority of the United States, and dangerous to the confederacy, require the immediate and decided interposition of Congress, for the protection and relief of such as have suffered by them, and for preserving peace in the said district, until a decision shall be had of the controversy, relative to the jurisdiction of the same." That the exercise of civil law in this State is derogatory to the authority of the United States, considered as such, or that it should be thought dangerous to the confederacy, is paradoxical; or that the interposition of Congress in this matter, would be a means of restoring peace in this State, is equally so. Law, peace and order was established in this district, previous to the late resolves of Congress; what discord they may occasion, time must determine. It is a general opinion, that a ratification of the said stipulated agreement would have had a more salutary tendency to peace, than the late resolutions. And as to the decision of the jurisdiction of the territory of this State, Congress, in their resolutions of the 7th and 21st of August, 1781, did determine the limits, which they would guarantee to the States of New-Hampshire and New-York, by virtue of the articles of confederation of the United States; which is as follows;—"By the United States in Congress assembled, August 21, 1781. It being the fixed purpose of Congress to adhere to the guarantee of the States of New-Hampshire and New-York, contained in their resolutions of the 7th instant," to wit, that "they will consider all the lands belonging to New-Hampshire and New-York, respectively, without the limits of Vermont aforesaid, as coming within the mutual guarantee of territory contained in the articles of confederation, and that the United States will, accordingly, guarantee such lands, and the jurisdiction over the same, against any claims or encroachments from the inhabitants of Vermont aforesaid." Thus far the resolutions of the 7th of August, referred to in the resolutions of the 21st; the latter of which proceeds to point out the particular boundaries of the guarantee to the States aforesaid, to wit; To the State of New-Hampshire all the lands "on the east side of the west banks of Connecticut river;" and to the State of New-York all the lands "on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence by a line, twenty miles east of Hudson's river, so far as said river runs northerly in its general course, thence by the west bounds of the townships granted by the late government of New-Hampshire, to the river running from South Bay to Lake Champlain, thence along the said river to Lake Champlain, thence along the waters of Lake Champlain to latitude 45 north, excepting a neck of land between Missisco Bay and the waters of Lake Champlain." That Congress has explicitly pointed out, and determined the boundaries of the guarantee of the lands and jurisdiction of the States of New-Hampshire and New-York, as far as their respective claims interfere with this State, was the opinion of the Committee of the whole Legislature of this State, as may be seen from their journals, viz: "Resolved, That in the sense of this Committee, Congress, by their resolutions of August last, in guaranteeing to the States of New-York and New-Hampshire, respectively, all the territory without certain limits therein expressed, have eventually determined the boundaries of this State."

To this limitation of Vermont, its Legislature concurred, as the before quoted journals may evince. The boundaries of the States of New-York and New-Hampshire, as far as they interfere with the State of Vermont, having been already, thus adjudicated by Congress, what propriety is there then, in the resolutions of the 5th of December, 1782, in which they break over their own adjudicated bounds of August, 1781; requiring this State "without delay to make full and ample restitution to Timothy Church, Timothy Phelps, Henry Evans, William Shattuck, and such others as have been condemned to banishment and confiscation of estate, or have, otherwise, been deprived of property, since the first day of September last, and that they be not molested in their persons or properties, on their return to their habitations in the said district." Congress has been so mutable in their resolutions respecting Vermont, that it is impossible to know on what ground to find them, or what they design next. At one time, they guarantee to the States of New-York and New-Hampshire their lands and jurisdiction, to certain described limits, leaving a place for the existence of this State. And the next that this government hears from them, they are within those limits, controuling the internal government of this State. Again, they prescribe preliminaries of confederation, and when complied with, on the part of this State, they unreasonably procrastinate the ratification thereof.—"That the United States will take effectual measures to enforce a compliance with the aforesaid resolution, in case the same shall be disobeyed by the people of the said district" In this case, it is probable that this State would appeal to the justice of his Excellency, General Washington, and, inasmuch as his Excellency, the General, and most of the inhabitants of the contiguous States, are in favor of the independence of this State, as limited by Congress, as aforesaid, I beg leave to suggest to them, whether it is not more prudent to refer the settlement of this dispute to the States of New-York and Vermont, than to embroil the confederacy of the United States therewith.

Although this State is not amenable to the tribunal of Congress for the management of their internal police, I, nevertheless, will give them a brief narrative of facts, relative to those delinquents, in whose behalf Congress, in their resolutions of December last, have interposed. At the session of the General Assembly of this State, in February, 1781, they made a general act of amnesty, in favor of such persons, within this State, who had previously made opposition to its authority; upon which they unanimously submitted to this government, and all opposition to it ceased, for more than one year, when, the Legislature having ordered a certain quota of men, to be raised in the several towns throughout this State, for the defence of its frontiers, evil minded persons in the town and vicinage of Guilford, in the southerly part of the county of Windham, opposed the raising and paying of them, and Governor Clinton of the State of New York, by letters to them and otherwise, interfered in their behalf, which caused a second insurrection in this State; and though every prudent and lenient measure was taken by government, to reclaim the offenders, they proved ineffectual. In the mean time, Governor Clinton gave commissions, civil and military, to sundry of those disaffected persons, and they had the effrontery to attempt to exercise the laws of the State of New-York, over the citizens of this State; when a military force was, by the direction of this government, sent to assist the sheriff of Windham county, in the execution of the laws of this State; and the procedure of the court, relative to the five criminals, who were banished, and to sundry others, who were amerced in pecuniary fines, was in due form of law. The notorious Samuel Ely, who was ring-leader of the late seditions in the State of Massachusetts, a fugitive from justice, was one of the banished. He had left that State, and was beginning insurrections in this; when he was detected, and carefully delivered to the sheriff of the county of Hampshire, in the State of Massachusetts, who, as I have been since informed, has secured him in goal at Boston, to the great satisfaction and peace of that State. This same Samuel Ely, Timothy Church, and William Shattuck, who were three of the banished, had previously taken the oath of allegiance to this State, and so had a greater part of those who were fined; and every of the towns, in which they resided, had, for several sessions of Assembly, previous to their insurrection, been represented in the Legislature of this State. So that, admitting the resolutions of Congress of the 24th of September, 1779, and 2d of June, 1780, to be binding on the States of New-York and Vermont, which prescribed to them to exercise their respective jurisdictions over such of the inhabitants of the controverted territory, who should profess to owe allegiance to one or both of them, and not to interfere with each others jurisdiction; and as every of those inhabitants, previous to the late insurrection, had conformed to the government of this State, the jurisdiction of the State of New-York became extinct: and Congress having, in their said resolves, given their premised right of jurisdiction to the States of New-York and Vermont; and that of New-York having ended as aforesaid, the whole right of jurisdiction reverted to the State of Vermont, so that Congress, by their said resolutions of 1779, and 1780, fairly put the aforesaid banished persons and others, under the jurisdiction of this State, and are foreclosed from interfering with the jurisdiction of the same; and, consequently, could have no jurisdiction of those matters, which, in their resolutions of the 5th of December, 1782, they object to the civil authority of this State, and in which they so spiritedly interpose their prerogative,—for that the said delinquents were, every of them, in just construction of law or reason, subjects of this State; and, therefore, agreeable to the express tenor of those resolutions of Congress of 1779, and 1780, could not be amenable to any other laws or regulations, but those of the State of Vermont.

But, admitting that Congress has a judicial authority to controul the internal police of this State, it has an incontestible right to be heard in its defence, as a party, (in law) and should, on this thesis, have been cited by Congress to a hearing at their tribunal, previous to their having passed their resolutions of the 5th of December last, that this State might have had the privilege of vindicating their cause. But that Congress, at the special instance of —— ——*, (a notorious cheat and nuisance to mankind, as far as his acquaintance and dealings have been extended) should come to a decision of so important a matter, *ex parte*, is illegal, and contrary to the law of nature and nations.

Sir, I beg leave to conclude this remostrance, by earnestly soliciting a fœderal union with the United States, agreeable to the before recited preliminary agreement, which the committee of Congress have reported, has "become *absolute* and *necessary* on their part, to be performed," and from which this State will not recede.

I have the honor, to be,
Sir,
With due respect,
Your Excellency's obedient and
Humble Servant,
THOMAS CHITTENDEN.

The General Assembly met, at Windsor, in February following; at which time, the Governor communicated to that body the resolution of Congress of the 5th of December, 1782; and sundry papers connected with the subject of that resolution. The deliberations of the Assembly resulted in the following remonstrance.

Windsor, February 26, 1783.

To his Excellency the President of Congress:

SIR,

We, the Legislature of Vermont, request your Excellency to communicate to Congress the following determinations of the freemen of this State, in answer to the requisition of Congress, of the 5th of December last.

We beg leave to observe that Congress, in and by their resolutions of the 7th and 21st of August, 1781, did virtually acknowledge the right, and engage to recognize the independence of this State, on compliance with a certain preliminary condition, therein contained; which preliminary condition has been, in the most full and ample manner, complied with by this State, as appears from the journals of this House, and the report of a committee of Congress. In this situation, conscious of our right, and seeing such right virtually acknowledged by Congress, we had no apprehension of our becoming obnoxious, by an exercise of that right over those, who, by an oath of allegiance and otherwise, were the liege subjects of this State, and had, in a flagrant manner, violated its laws and disturbed the peace of government; and however this Legislature may be disposed to extend mercy to delinquents, on proper application, yet, that mercy must be free, and at our own election.

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* We have thought proper to omit the name of the person here mentioned.

All and every act of Congress, which interfere with the internal government of this State, and tend to prevent a general exercise of our laws, are unjustifiable in their nature, and repugnant to every idea of freedom. It presupposes this State dependent on Congress, not only for the enjoyment of their independent right of jurisdiction, but for the right itself; whereas, the fact is, if we have any right to be an independent jurisdiction, such right is, and must be, derived from association, and the civil compact of the people. We conceive the several States in the union do not owe to Congress their right of existing independent of their neighbors; but that each State was formed by the association and civil compact of its inhabitants. Through this medium they derive their separate rights to jurisdiction, and Congress the different powers they are vested with; and have, of course, neither the power or right to make, or unmake, States, within, or without, the union, or to controul their internal police, without a power delegated to them for the purpose. Admitting the propriety of this reasoning, and the existence of a right in the people in this State to an independent jurisdiction—which is explicitly avowed by the resolutions of Congress of the 21st of August, 1781—is not the resolutions of the 5th of December an invasion of the rights of a free people?

The citizens of this State have ever entertained the highest opinion of the wisdom and integrity of Congress, and have manifested their confidence in that body, by a spirited exertion in prosecution of every measure against the common enemy, at the risque of life and fortune. We still are ready to comply with every reasonable requisition of Congress; but when Congress require us to abrogate our laws, and reverse the solemn decisions of our courts of justice, in favor of insurgents and disturbers of the public peace, we think ourselves justified to God and the world, when we say we cannot comply with such their requisitions. The interests of the United States, which, with a view to confederation, we have made our own, forbid it. It would be licensing factious subjects to oppose government, with impunity. We should become the resort of insurgents and disturbers of government, and, consequently, every measure to raise men or money in support of the common cause, would be weak and contemptible.

We are conscious of doing no act, in derogation to the dignity, or in contempt of the authority, of Congress, or to disturb the peace of the confederacy; but solely, with a view to the security of our just rights, and the internal peace and tranquility of this State.

As we have, from the commencement of the war, braved every danger and hardship, against the usurpations of Britain, in common with the United States; as our inherent right of sovereignty and jurisdiction stands confessed, upon the principles of the revolution, and implied by the solemn transactions of Congress, we cannot but express our surprize at the reception of the late resolutions of Congress of the 5th of December, obtained ex-parte, and at the special instance of an infamous person, as the inclosed evidence, among other things, will evince.

And as we have, repeatedly, solicited a confederation and union with the United States of America, so now, in the name and in behalf of the freemen of this State, we renew our request, and, in the most solemn manner, call upon Congress to execute, on their part, the intent and spirit of their resolution of the 21st of August, 1781.

In behalf of the General Assembly of Vermont.

THOMAS PORTER, *Speaker.*

We have now arrived at a period which nearly closes the series of documents, relating to the controversy with New-York, and the efforts of Vermont to obtain admission into the union. It is a period, however, when those who have not been familiar with its history, might look for an immediate succession of important events. At no time, had measures been adopted, aiming a more fatal blow at the independence of Vermont, than those embraced in the act of Congress of the 5th of December, 1782; and never had the people of Vermont felt a more unshaken determination to maintain that independence, or a more decided and settled hostility toward those who aimed to destroy it. In this eventful state of things, the reader may be surprised to learn, that no measures were taken by Congress to give effect to its interference with the government of Vermont; but that, on the contrary, the course of justice continued, uninterrupted,—the sentence which the ministers of the law had pronounced on offenders, remained unreversed, and the people of Vermont proceeded in the quiet administration of their government, unawed by the combination of policy and power which threatened to crush them.

The state of public feeling which immediately succeeded this period, the causes which produced it, and the general course of events which followed, until the final settlement of the dispute with New-York, and the admission of Vermont into the union, are well described in the excellent history of Vermont, by Dr. Williams. From this work, we take the liberty to make the following extract; connecting with it a few original papers which fall within the period which it embraces, and with which we close this part of the volume.

"The effect produced by these acts of Congress, (says Dr. Williams,) was, in every respect, different, from what that body seem to have expected. Instead of being awed into submission, the people and government of Vermont concluded they were produced by the influence of New-York; and determined that they should never be executed. The evasive, irresolute, contradictory acts of Congress, had nearly destroyed all the faith and confidence, which the people of Vermont had reposed in that body: and it was generally thought it would not be best to have any connexion with them; but only to keep up the custom and form of choosing delegates, every year, to represent the state of Vermont.

The war with Great Britain, had proved greatly distressing to every part of the United States; but it had served to establish an union among the people of America, which could not have been so firmly cemented, but by the prospect of common danger. This appearance was now come to an end. On January the 20th, 1783, the preliminary articles of peace were signed by the ministers of the king of Great Britain, and the United States of America. In this treaty, the former colonies were acknowledged to be free, sovereign and independent states. By putting an end to the war, this treaty put an end to the embarrassments of Congress, and to all the fears of the people of Vermont. An union with the confederation, was no longer a matter of immediate and urgent necessity. The state had now, no external enemies to oppose, or any body of troops to be raised, or kept in pay. Weary of so long and distressing a war, all parties wished for the repose and tranquility of peace; and were heartily desirous of dropping all occasions of controversy and debate. The business of Congress however, became more and more embarrassing. Their currency had failed, their revenues were exhausted, their armies were dissatisfied and unpaid, the debts they had contracted were unfunded, the public creditors were every where full of complaints against their proceedings, and they had no resources to answer the demands that were perpetually made upon them. Few of the states paid much regard to their resolutions, and it was now fully evident that their powers were inadequate to the public business of the United States, and that the articles of union and confederation were essentially defective. Without power to relieve themselves, under these embarrassments, the Congress was daily sinking into a state of insignificance and contempt; and the public affairs of the union were constantly becoming more and more embarassed with weakness, disorder, the want of wisdom, credit and power.

In such a state of things, an admission into the confederacy of the states, ceased to be an object of any importance, or even desire. Vermont was happy in being free from the load of debt, which lay upon the United States; and was not perplexed by the constant calls of Congress, to raise the necessary sums of money. The legislature had acquired wisdom and experience in governing the people, from the difficulties in which they had been engaged. It had not been in their power to contract very large debts, nor was it necessary or practicable to impose heavy taxes upon the people. The state had a large quantity of valuable lands to dispose of; and purchasers and settlers were constantly coming in, from all the New-England states. Thus, by one of those sudden transitions which are common to human affairs, from the most distressed and perplexed state, the condition and prospect of the people of Vermont, became, at once, more easy and flattering than those of their neighbors. Encouraged by the mildness of the government, the smallness of the taxes, the fertility and cheapness of the lands, large additions were annually made to their numbers and property, by the accession of inhabitants from other states. There was nothing therefore, in the public affairs of the United States, or in those of Vermont, that could lead the inhabitants any longer to wish for an admission into the confederation. The body of the people felt that they were in a better situation, than the people in the neighboring states; and it was the general inclination and desire, not to be connected with the union, if it could be decently avoided.

In this situation things remained, until several of the leading men in the United States, became alarmed with the operation and tendency of public affairs. Statesmen of ability and information saw that the powers invested in Congress, were, in effect, only the powers of a diplomatic body; and wholly inadequate to the purposes of federal government: and that the liberties, the safety, and the union of America, could not be preserved, unless an adequate and efficient government could be established in the United States Virginia had the honor to lead in the first avowed opposition to the British king and parliament: and she was the first that attempted to call a convention of the states, to form a new federal constitution. The measure was crowned with that success, which might be expected from the deliberate consultations of a free and uncorrupted people, aiming to secure the public safety. A new federal constitution was adopted by the people of America: and a new Congress, furnished with competent powers, met in the city of New-York, March 3d, 1789.

Like the other citizens of America, the people of Vermont were anxious to know what would be the policy and proceedings of the federal government. Their interest had not been much promoted by the measures of the Congress, with whom they had formerly transacted business. But there was now a general expectation among the people, that something wiser and better, was to take place: but they had learned from experience, that there was no other way to judge, with certainty, of the excellency of any constitution, or government, but by the good which it did to the people. In the course of one or two sessions, they found the federal government had been laboring to restore the public credit, to do justice to the public creditors, to provide for the payment of the public debt, and to establish a system of equal law and justice, in every part of the federal government. Measures, thus marked with wisdom and justice, served to abate the fears that many had entertained, and to conciliate the minds of the people to federal sentiments: and the prospect seemed favorable, that every part of the American states might be brought to act with union and vigor, in support of the federal system.

But the ancient difficulty with New-York, was not yet removed. That state had, indeed, given up all prospect, and probably all desire, of subduing Vermont by force, or by policy; and well knew that Vermont was, and would remain, a free and independent state. But large tracts of land had been granted by the governors to individuals. These tracts of land, by means of the increasing settlements and prosperity of Vermont, were become greatly valuable. The government of Vermont had uniformly refused to acknowledge the validity of these grants, or submit to any of the legislative acts of New-York, and had made new grants of all those tracts of land; and was unalterably fixed, in refusing to admit the legality of any legislative act of New-York, which related to the territory of

Vermont. The grantees under New-York, were constantly complaining of the injuries that were done to them, in not being permitted to take possession of their property; and of the injustice that would be established, if the government of New-York should suffer their lands to be thus taken from them, without an equivalent, Much pains had been taken to compromise the difficulty, but without coming to any general agreement: and the government of New-York did not conceive any very strong obligation lay upon them, to refund that to individuals, which the state had no hand in granting; but which was simply an act of the crown of Great Britain, executed by the will of the royal governor; generally for his personal profit, always for the benefit of his particular friends, but never for any emolument to the government or people.

A course of events at length occurred, which rendered the views of New-York, more favorable towards Vermont. Disputes relative to the permanent seat of the federal government, ran high in Congress. After repeated trials, the decision sometimes fell in favor of remaining at New-York, and sometimes in favor of removing to Philadelphia; and it was finally carried in favor of Philadelphia, by a very small majority. Kentucky, it was foreseen, would soon be admitted into the federal union: and Virginia, to whose territory it belonged, with great dignity and honor, instead of opposing, was aiming to promote that event. The representation from the eastern states, was diminished of its just proportion, by the exclusion of Vermont; and this had already proved to the disadvantage of New-York. If their old controversy could be settled, it was apparent that the interests and influence of these states, would, in almost every instance, coincide. The public sentiment called loudly, for the same measure. To what purpose, it was said, is Vermont kept out of the union? Is it not in the full and complete possession of independence; and as well regulated and governed as the other states? And shall the federal union throughout the whole territory, be obstructed, and rendered incomplete, by the ancient and endless controversy, between New-York and Vermont?

New-York wished, with the rest of America, to have the federal union completed: and without calling to view the former occasions of contention, passed an act, July 15, 1789, appointing commissioners with full powers to acknowledge the independence of Vermont, and to settle all matters of controversy with the state. On October the 23d, 1789, the legislature of Vermont appointed commissioners on their part, to treat with those of New-York, with powers to adjust, and finally determine every thing which obstructed the union of Vermont with the United States. The commissioners from both states, were themselves very desirous to have Vermont brought into the federal union. The only point of difficulty and debate, related to a compensation for the lands claimed by the citizens of New-York, which had been regranted by the government of Vermont. After two or three meetings of the commissioners, the matter was brought to an equitable and amicable agreement.

October the 7th, 790, "the commissioners for New-York, by virtue of the powers to them granted for that purpose, declared the consent of the legislature of New-York, that the state of Vermont be admitted into the union of the Uuited States of America; and that, immediately upon such admission, all claims of jurisdiction of the state of New York, within the state of Vermont, shall cease; and thenceforth, the perpetual boundary line between the state of New-York, and the state of Vermont shall be" as was then holden and possessed by Vermont; that is, the west lines of the most western towns which had been granted by New-Hampshire, and the middle channel of Lake Champlain. With regard to the lands which had been granted by New-York, "the said commissioners, by virtue of the powers to them granted, declare the will of the legislature of New-York, that if the legislature of the state of Vermont should, on or before the first day of January, 1792, declare that, on or before the first day of June, 1794, the said state of Vermont would pay the state of New-York, the sum of thirty thousand dollars, that, immediately from such declaration by the legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the colony of New-York, or from the state of New-York, should cease;" those excepted, which had been made in confirmation of the grants of New-Hampshire.

This proposal and declaration being laid before the legislature of Vermont, they very readily agreed to the plan, which had been concerted by the commissioners from both states; and on October, 28, 1790, passed an act directing the treaurer of the state, to pay the sum of thirty thousand dollars to the state of New-York, at the time proposed; adopting the western line as the perpetual boundary between the two states; and declaring all the grants, charters and patents of land, lying within the state of Vermont, made by, or under, the late colony of New York, to be null and void; those only excepted, which had been made in confirmation of the grants from New-Hampshire.

In this amicable manner, was terminated a controversy, which had been carried on, with great animosity, for twenty-six years. Both sides were weary of the contest, and happily for them, the general state of America led to moderation, equity and wisdom: and this seems to have been the only period, in which the matter could have been adjusted to the satisfaction of all parties.

The difficulties with New-York, being thus removed, the assembly of Vermont proceeded to call a convention of the people, to take into consideration the expediency of joining the federal union. The convention met at Bennington, January 6, 1791. The members were not all agreed in the expediency of being connected with the thirteen states: and it was doubted whether a majority of the people, were for the measure. Several members of the convention wished to defer the consideration of the question, to a more distant period. It was urged, on the other hand, that the safety, the interest, and the honor of Vermont, would be essentially promoted by joining the union of the other states; and that this was the precise time, when it might be done without difficulty or opposition. A large majority of the members were convinced that the matter could not be put off any longer; and after a debate of three days, the question was carried in the affirmative, by a majority of one hundred and five to two. This being the only business for which the convention had been called, it was dissolved, Jannary 11th.

The general assembly of Vermont met at Bennington, January the 10th. On the 18th, they made choice of the Honorable Nathaniel Chipman, and Lewis R. Morris, Esquire, as their commissioners to attend Congress, and negociate the admission of the state into the union of the confederated states of America. The commissioners repaired to Philadelphia, and laid before the President of the United States, the acts of the convention and legislature of Vermont; and on February 18th, 1791, the admission of Vermont, was completed, by an act of Congress, without any debate, or one dissenting vote. By this event, all the controversies respecting Vermont, were brought to a conclusion. She was to take her seat in Congress, March 4, 1791; and the federal union was completed, in every part of the United States of America."*

The following are the Acts of the Legislature of Vermont, of the 23d of October, 1789, and 28th of October, 1790—the Act of the Convention, approving and ratifying the Constitution of the United States, and the Act of Congress admitting Vermont into the union—referred to in the foregoing extract from Dr. Williams.

An Act appointing Commissioners for the purposes therein mentioned.

Whereas, it is of consequence that the line between the state of Vermont and the state of New-York be ascertained and established, and that certain obstacles to the admission of the state of Vermont into union with the United States, should be removed—which purpose to effect,

It is hereby enacted by the General Assembly of the state of Vermont, That Isaac Tichenor, Stephen R. Bradley, Nathaniel Chipman, Elijah Paine, Ira Allen, Stephen Jacob, and Israel Smith, Esquires, be, and hereby are, appointed Commissioners in behalf of this state, with full powers, to them, or any four or more of them, to treat with Commissioners that now are, or hereafter may be, appointed by the state of New-York, and who shall be fully authorized and empowered by the said state of New-York, to ascertain, agree to, ratify and confirm, a jurisdictional or boundary line between the state of New-York and the state of Vermont; and to adjust, and finally determine, all and every matter or thing which, in any wise, obstructs a union of this state with the United States.

It is hereby further enacted by the authority aforesaid, That every act or agreement of the said Commissioners, or either four or more of them, made and entered into, and with, certain Commissioners, that now are, or hereafter may be, appointed by the state of New-York, in the execution of the powers aforesaid, shall be as effectual, to every purpose, as if the same had been an immediate act of the Legislature.

Provided always, That nothing in this act shall be construed to give the said Commissioners power to lessen or abridge the present jurisdiction of this state, or, in any wise, oblige the inhabitants of the same or any other person or persons, claiming title to lands heretofore granted by this state or the late province of New-Hampshire, to relinquish their claims under the jurisdiction thereof, or, in any wise, subject the state of Vermont to make any compensation to different persons claiming under grants made by the late province, and now state, of New-York, of lands situate and being in the state of Vermont and within the jurisdiction of the same.—[Passed October 23, 1789.]

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* Williams' History, Vol. II. p. 251-61,

An Act directing the payment of thirty thousand dollars to the state of New-York, and declaring what shall be the boundary line between the state of Vermont and state of New-York; and declaring certain grants therein mentioned, extinguished.

Whereas Robert Yates, John Lansing, junr. Gulian Verplank, Simeon De Witt, Egbert Benson and Melancton Smith, Esquires, Commissioners, appointed by an Act of the Legislature of the state of New-York, entitled, "An Act appointing Commissioners with power to declare the consent of the Legislature of the state of New-York, that a certain territory within the jurisdiction thereof, should be formed into a new state," passed the sixth day of March, A. D. 1790—did, by their certain act, on the seventh day of October instant, at New-York, by virtue of the powers to them granted for the purpose, among other things, declare the consent of the Legislature of the state of New-York, that the state of Vermont be admitted into the union of the United States of America, and that, immediately from such admission, all claim of jurisdiction of the state of New-York, within the state of Vermont, should cease, and, thenceforth, the perpetual boundary line between the state of New-York and the state of Vermont should be as follows, viz: beginning at the north-west corner of the state of Massachusetts, thence west-ward, along the south boundary of Pownall, to the south-west corner thereof, thence northerly, along the western boundaries of the townships of Pownall, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells and Poultney, as the said townships are now held or possessed, to the river, commonly called Poultney river, thence down the same, through the middle of the deepest channel thereof, to East Bay, thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicates with Lake Champlain, thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands, called the Four Brothers, and the westward of the islands, called Grand Isle and Long Isle, or the Two Heroes, and to the west-ward of the Isle La Mott, to the forty-fifth degree of north latitude;—and the said Commissioners, by virtue of the powers to them granted, did declare the will of the Legislature of the state of New-York, that, if the Legislature of the state of Vermont should, on or before the first day of January, 1792, declare that, on or before the first day of June, 1794, the said state of Vermont would pay to the state of New-York the sum of thirty thousand dollars, that, immediately from such declaration by the Legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New-York or from the state of New-York (except as is therein excepted) should cease; wherefore, *It is hereby enacted and declared by the General Assembly of the state of Vermont,* That the state of Vermont shall, on or before the first day of June, 1794, pay the state of New-York thirty thousand dollars. And the treasurer of this state, for and in behalf of this state, and for the purposes mentioned in the Act of the Commissioners aforesaid, shall pay to the state of New-York the sum of thirty thousand dollars, on or before the first day of June, 1794,—And

It is hereby further enacted, That the said line, described in the said Act of the said Commissioners, shall, henceforth, be the perpetual boundary line between the state of Vermont and the state of New-York: and all grants, charters or patents of land, lying within the state of Vermont, made by or under the government of the late colony of New-York—except such grants, charters or patents, as were made in confirmation of grants, charters or patents, made by, or under, the government of the late province or colony of New-Hampshire—are hereby declared null and void, and incapable of being given in evidence, in any court of law within this state.—[Passed October 28, 1790.]

STATE OF VERMONT.

In Convention of the Delegates of the people of the State of Vermont.

Whereas, by an Act of the Commissioners of the state of New-York, done at New-York, the seventh day of October, in the fifteenth year of the Independence of the United States of America, one thousand seven hundred and ninety, every impediment, as well on the part of the state of New-York, as on the part of the state of Vermont, to the admission of the state of Vermont into the union of the United States of America, is removed.—In full faith and assurance that the same will stand approved and ratified by Congress :—

This Convention, having impartially deliberated upon the Constitution of the United States of America, as now established, submitted to us by an Act of the general assembly of the state of Vermont, passed October the twenty seventh one thousand seven hundred and ninety, do, in virtue of the power and authority to us given, for that purpose, fully and entirely approve of, assent to, and ratify the said Constitution; and declare that, immediately from, and after, this state shall be admitted by the Congress into the union, and to a full participation of the benefit of the government now enjoyed by the states in the union, the same shall be binding on us and the people of the state of Vermont forever.

Done at Bennington, in the county of Bennington, the tenth day of January, in the fifteenth year of the Independence of the United States of America, one thousand seven hundred and ninety one. In testimony whereof we have hereunto subscribed our names.

THOMAS CHITTENDEN, *President,*
MOSES ROBINSON, *Vice President,*

Timothy Brownson,
John Fassett,
John Strong,
Jonathan Hunt,
Gideon Olin,

Stephen R. Bradley,
Janna Churchill,
Ebenezer Willson,
John White,
Daniel Shearman,

Abel Waters,
James Shafter,
Edward Aiken,
Simeon Stevens,
Abel Thompson,

Joshua Wood,
Nathaniel Chipman,
Thomas Hammond,
Benjamin Holcomb,
Peter Priggs,
John M'Neil,
Oliver Gallup,
Lemuel Chipman,
Samuel Miller,
Israel Smith,
Benjamin Greene,
Andrew Selden,
John Marsh,
Gardiner Chandler,
Timothy Todd,
Calvin Knoulton,
Timothy Bliss,
Wm. C. Harrington,
Josiah Edson,
Noah Lee,
Isaac Lyman,
Daniel Jewett,
John Forgason,
Reuben Thomas,
Thomas Jewett,
Asaph Fletcher,
Elijah Lovell,
John Rich,
John Barron,
Amos Brownson,
David Hopkinson,
Daniel Kingsbury,
Samuel Harrison,
Michael Flynn,
Cornelius Lynde,
John N. Bennett.
Jonathan Brewster
Jonathan M'Connell,
Benjamin Henry,
Samuel Lathrop,
Oliver Pier,
Nathaniel Stoughton,
Martin Powell,
Nathan Daniels,
Jason Duncan,
Elias Curtis,
Samuel Beach,
Benjamin Emmons,
Alexander Brush,
Daniel Gilbert,
Ira Allen,
Timothy Castle,
Eleazar Claghorn,
Silas Tupper,
David Palmer,
William Perry,
Joseph Warner,
Asahel Smith,
Simeon Smith,
John Shumway,
Silas Hathaway,
Thomas Porter,
John Smith,
Elisha Barber,
William Ward,
Joseph Beeman,
Heman Durkee,
Emanuel Case,
Peter Pennock,
Martin Chittenden,
Josiah Pond,
William Slade,
John Spafford,
Peter Sleeman,
Jonas Whitney,
Nathaniel Niles,
Alexander Harvey,
William Chamberlain,
Daniel Buck,
Daniel Farrand,
Abraham Morrill,
Beriah Loomis,
Asahel Jackson,
Jonathan Arnold,
Samuel Gott,
Ebenezer Allen,
Enos Wood,
Samuel Hitchcock.

State of Vermont, ss.—*Bennington, January* 10, 1791.

The foregoing ratification was agreed to, and signed by one hundred and five, and dissented to, by four; which is a majority of one hundred and one.

THOS. CHITTENDEN, *President.*

Attest, Ros. Hopkins, *Sec'y of Convention.**

An Act for the admission of the State of Vermont into this Union.

The State of Vermont having petitioned the Congress to be admitted a member of the United States,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress Assembled, and it is hereby en-

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* Copy of the original act, on file in the Secretary of State's office.

acted and declared, That on the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and style of "the State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.
JOHN ADAMS,
Vice-President of the United States, and President of the Senate.
Approved, February the 18th, 1791.
GEORGE WASHINGTON,
President of the United States.

JOURNAL

OF THE

COUNCIL OF SAFETY.

Having completed the series of documents, exhibiting a view of the external relations of Vermont, during its long and eventful struggle for independence, we turn to examine the structure of its government, and the early history of its legislation. For this purpose, we shall now present—*the Journal of the Council of Safety—the first Constitution of the State—the Journal of the Legislature, during the first year of its existence*—and *the Laws, passed during the seven succeeding years.*

For an account of the origin of the Council of Safety, we refer our readers to the introduction to this work. We regret that we have been able to find no part of their journal, of a date anterior to the 15th of August, 1777. The most unremitted efforts to obtain it, have proved wholly unavailing; and the result renders it probable that it is irrecoverably lost. Enough, however, has been preserved, to exemplify the extraordinary powers exercised by that body; and thus enable us to gratify the public with the greatest political curiosity which the history of Vermont can furnish. The part which has been preserved, commences on the day preceding the Bennington battle; and is as follows.

STATE OF VERMONT.

Bennington—In Council of Safety, August 15, 1777.

Sir—You are hereby desired to forward to this place, by express, all the lead you can possibly collect in your vicinity; as it is expected, every minute, an action will commence between our troops and the enemies', within four or five miles of this place, and the lead will be positively wanted.

By order of Council,

PAUL SPOONER, *D. Sec'y.*

The Chairman of the Committee of Safety, Williamstown.

The same request sent to the Chairman of the Committe, Lanesboro, the same date—sent by Jedediah Reed, Paulett.

Madam—Please to send by the bearer, Jedediah Reed, 6 or 7 lbs. of lead, by Col. Simonds' order.

By order of Council,

PAUL SPOONER, *D. Sec'y.*

Mrs. Simonds.

A warrant was given to Doct. J. Rhuback, to impress a horse to ride to General Starks' head quarters, in this town—drawn in the usual form.

To Lieut. Peter Roberts, one of the Commissioners of sequestration,

Sir—You are hereby directed to forward the cattle under your care, being one hundred and eleven head, to New Providence; then and there to advertise said cattle, and expose them to sale at public vendue, and keep fair accounts of said cattle, natural and artificial marks, and age, with their particular prices—and make returns of the money, with all your proceedings, to this Council, as soon as may be.

PAUL SPOONER, *D. Sec'y.*

State of Vermont—*In Council of Safety, Aug.* 16, 1777.

To Col. John Williams—Sir,

You will proceed with your party toward the lines, and if the enemy should retreat, you will repair to the road leading from St Cork to Hoosack, and if you make any discovery, report to this Council;—at the same time, you are to pay proper attention to the road leading from Hoosack to Pownal.

By order of Council,

PAUL SPOONER, *D. Sec'y.*

In Council of Safety, Bennington, August 20, 1777.

Sir—You are required to raise seventy-five able bodied, effective men of your regiment of militia, exclusive of the common quota of commissioned officers for such number; which number you will cause to be continued in the field, under the commanding officer of the eastern militia, until the first day of December next, unless sooner discharged by such commanding officer. Should you find it more convenient for part or all such troops to be relieved before that time, you will do it, observing always, to keep the full number in the field. Those who engage, are to do it only on the principle of being under the regulation of the Continental army, during the time they serve, although under the command of the above officer.

By order of Council,

THOMAS CHITTENDEN, *President.*

Bennington, August 23, 1777.

David Brackenridge is permitted to remain at his father's house, under the care of the guard at that place, until further orders.

In Council of Safety, Bennington, August 23, 1777.

To —— ——, —— ——, —— ——, —— ——, and —— ——.*

Notwithstanding your ungratefulness to your country; and notwithstanding you have, by your conduct, forfeited the confidence of your countrymen, yet, nevertheless, on the application of Capt. Abram Underhill, in your behalf, this Council are induced, out of humanity, to accept you again into friendship, on your voluntary surrender, and taking the oath of fidelity to the United States of America, forthwith, and dispensing with the loss you have already sustained, to atone for past folly.

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* For obvious reasons, we have thought proper to refrain from exposing the names of those who were stigmatized by the Council.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, Bennington, August 25, 1777.

To Capt. John Fassett—Sir,

You are requested to take a potash kittle, for the Hessian troops to cook in. Give your receipt for the same, and bring the same to the meeting-house in this place.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, Bennington, August 26, 1777.

To Adjutant Elisha Clark,

You are hereby required to make return of the names and number of the officers, non-commissioned officers and soldiers, belonging to Col. Samuel Herrick's Regiment of Rangers, already raised within this State, for the defence thereof, to Ebenezer Walbridge, at Arlington, at 10 o' clock of the morning of the 28th inst; as he is appointed and authorised to muster, and return the several musters of the whole, in order to their being severally entered and entitled to their pay, agreeably to their several ranks. And you are further ordered to take particular accounts of the several companies and names of the several soldiers of that corps, who may hereafter join, at every opportunity. Of this you are not to fail.

By order of Council,

THOMAS CHITTENDEN, *President.*

Attest, IRA ALLEN, *Sec'y.*

In Council of Safety, Bennington, August 27, 1777.

Whereas, this Council have received a letter from Capt. Burroughs, at Arlington, acquainting us that our scouts had taken all the stock of every kind, from Auger Hawley's wife, of Rupert, and she had made application to him for a cow, as her children was in a suffering condition—

These are, therefore, to require you to let her have one cow, for the time being, out of the first cows you take from any disaffected person.

By order of Council,

IRA ALLEN, *Sec'y.*

Lt. Martin Powel, Commissioner of Sequestration.

In Council of Safety, Bennington, Aug. 27, 1777.

These are to require all persons in this State, that have taken any effects from, or belonging to, any person in the State of New-York, in these late disturbances, to deliver up such effects to Mr. John Abbott and Capt. Nathan Smith, as they are appointed by Major Younglove, one of the commissioners of sequestration, for said State, to take care of such effects, in behalf of said State,—their proving their property to such effects. Provided such effects were not taken in the field of battle.

By order of Council,

IRA ALLEN, *Sec'y.*

To whom it may concern.

In Council of Safety, Bennington, Aug. 27, 1777.

To ——— ———,

Sir—You are hereby required to take four horses, belonging to John Munro, Esq. supposed to be at Mr. Brackenridge's, and them safely keep and convey them to this Council, as soon as may be.

By order of Council,

IRA ALLEN, *Sec'y.*

The gentlemen in whose custody the horses are, is requested to deliver them to the bearer.

In Council, August 27, 1777.

To Lieutenant Silas Watson,

You will please to send all the evidence you have against Jonathan Card and Peleg Card, as we propose to bring them on trial, on the 29th instant. We shall depend on hearing from you, by said day.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, August 27, 1777.

To Capt. Joseph Farnsworth, Commissary, Bennington.

Sir—If you please to give Lieut. Benjamin Chamberlain, and three men with him, three days provisions, as they are bold volunteers, this Council will settle with you for the same.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, Aug. 27, 1777.

Permit Mrs. Munro to keep her cattle, sheep, swine, and other effects, until orders is given from this Council, for her to deliver them up.

By order of Council,

THOMAS CHITTENDEN, *Pres.*

N. B. To Mrs. Munro—By sending to Bennington, to-morrow, you can have one of your riding hores to use, until we send for him.

Per order,

THOMAS CHITTENDEN, *Pres.*

In Council of Safety, Aug. 27, 1777.

To Mr. Harris,

You are hereby directed to employ some men to harvest Mr. Brackenridge's wheat, and put the same into his barn. You also pay the expense out of the wheat, and what is not wanted, for the use of the family, you will keep, until further orders from this Council.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, Aug. 28, 1777.

To Mr. David Fassett—Sir,

You will proceed to Mr. James Brackenridge's, and make strict examination of his improvements, or lands adjoining; and if you find any stock or other effects, which you have reason to suspect, belongs to any enemical persons within this State, you will seize the same, and cause it to be brought to this Council, as soon as may be.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, August 29, 1777.

To Mr. David Fassett—Sir,

You are to proceed to the house of Mr. —— ——,* of Shaftsbury, and seize all his lands and effects, of whatsoever name or nature, and bring all his writings, together with all his movable effects, to this Council, excepting two cows and such other effects as are wanted for the support of said ——'s family, which you are to leave with the woman, taking a proper account of them.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, Aug. 29, 1777.

To Mr. Jesse Burke, Westminster—Sir,

You will bring Capt. —— ——* of Putney, now in your care, to this Council, as soon as may be.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, Aug. 29, 1777.

To the Committee of Safety, in Windsor, and the adjacent Towns, in this State—Gentleman,

All such persons as you shall have sufficient evidence exhibited against, on trial, as to prove them so far enemies to the *liberties of America*, as to be dangerous persons to go at large, you will send to Westminster goal, and put them in close confinement. If you send any prisoners to said goal, you will send a proper guard; provided it should happen before any prisoners or guards should be sent from this.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, Aug. 29, 1777.

To Mr. Benjamin Fassett—Sir,

You are hereby directed to proceed to Pownal, and bring from some of the Tories that are gone to the enemy, or otherwise proved themselves to be enemies to their country, a load of sauce, for the use of the wounded prisoners here; and make returns to this Council of what you bring, and from whom. You will leave sufficient for their families.

Per order,

THOMAS CHITTENDEN, *President.*

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* See note, page 198.

In Council of Safety, Aug. 29, 1777.

Whereas, his honor, Major General B. Lincoln, has requested this Council to raise a part of the militia of this State, to serve in Continental service, agreeable to the Resolution of the Hon. Continental Congress of the United States;—in obedience to which, this Council have heretofore resolved, that three hundred and twenty-five men of the militia of this State, should be raised for the defence of this, and the United States of America:—and whereas, the price of all kinds of provisions and clothing, are raised to exorbitant prices—

Resolved, therefore, that fifty shillings per month be paid to each person that shall serve agreeable to the aforesaid Resolutions, in addition to their Continental pay.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, Aug. 29, 1777.

To the Hon. Major General Lincoln—Sir,

The following contains a list of the Tories of this State, and the several crimes with which they stand charged, viz:—*

—— —— and —— ——, by their own confession, are found guilty of assisting the enemy in disarming the inhabitants of Sandgate, within this State.

—— ——, —— ——, —— ——, —— ——, —— ——, and —— ——, acknowledge they voluntarily joined the enemy, and were taken in action, the 16th inst.

—— ——, was taken in action the 16th instant, and, by his own confession, fired his piece three times, on General Stark's brigade.

—— ——, voluntarily applied to Mr. Skeene, took his protection,—procured a quantity of ammunition—promised a number of cattle, carriages, &c.—Taken by Col. Warner, on his return, endeavoring to carry his projects into execution.

—— —— and —— —— confess they were conversant with the enemy,—have taken protection, and voluntarily assisted them with teams, provisions, &c.

—— —— found to be in the aforesaid action, and supposed to be in arms.

—— ——. The evidence against him enclosed.

The above are the whole which the Council have in custody, except some few who have been brought so late, the evidence have not, as yet, arrived.

I am, Dear General,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President.*

In Council of Safety, Aug. 30, 1777.

—— ——* and —— —— are permitted the liberty of this town, until further orders from this Council.

By order of Council,

IRA ALLEN, *Sec'y.*

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* See note, page 198.

——— ———*, of Munro Patent, and ——— ———, of little White Creek, are permitted to return to their several habitations, until further orders,- - they behaving as becometh.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, 2d September, 1777.

To Lieut. Ebenezer Hyde - Sir,

You are hereby required to examine the goods deposited in the cart, now in the care of Seth Kealer, and report the several articles particularly, which are not wearing apparell; for which this shall be your sufficient warrant. You will make returns, as soon as may be.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, 3d September, 1777.

Capt. Elijah More of Putney, and Capt. Leonard Spauldin, are appointed Commissioners of Sequestration, &c.

——— ———* is permitted to return home, and remain on his father's home farm, (and if found off, to expect thirty-nine lashes of the beach seal,) until further orders from this Council.

Thomas Green is permitted to return home, on the recommendation of Major Younglove, until further orders.

In Council, 3d Sept. 1777.

To Thaddeus Harris, of Bennington—Sir,

You are directed to deliver all the cattle in your care, or in Mr. Breckenridge's enclosures, that you know, or have reason to believe, belongs to the State of New-York, to Major Younglove; as he is one of the Commissioners of Sequestration for said State.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, 3d Sept. 1777.

Then personally appeared David Smith, and acknowledged himself bound in a recognizance of one hundred pounds, to the Secretary of the Council of the State of Vermont, that Capt. Michael Lantman shall appear before the General Committee of Albany, within six days, to answer any complaint that may be exhibited against him.

In Council of Safety, 4th Sept. 1777.

To the officer commanding the guards at Capt. Dewey's barn— Sir,

You are hereby authorised to remove all the prisoners to the schoolhouse, and see that there is a proper guard over them, except those that are wounded. If there is sufficient room for them in the meeting-house, you are to put them there, in lieu of the school-house.

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* See note, page 198.

By order of Council,

IRA ALLEN, *Sec'y*.

Capt. Joseph Ingley has a permit to take a bay mare, taken from Capt. Hard's son, and use, during the pleasure of Council.

By order of Council,

IRA ALLEN, *Sec'y*.

In Council, 4th Sept. 1777.

To all whom it may concern,

You are hereby required to deliver unto Capt. Sunderland, the bearer, such arms and other accoutrements, as you have taken from the field of battle, in Hubbarton; and, on the receipt of your accounts, you will be reasonably paid for your trouble.

By order of Council,

IRA ALLEN, *Sec'y*.

In Council of Safety, 4th Sept. 1777.

This Council having heard the evidences against ——— ———* — heard his evidence, and considered the case, with all the attending circumstances, do judge and order that the said Bostwick pay a fine for the use of this State, of three pounds, and stand committed until this judgment be complied with.

By order of Council,

THOMAS CHITTENDEN, *President.*

Thomas Bull has given his word, for the above sum, to be forthwith paid.

In Council, 4th Sept. 1777.

This Council, having before them ——— ———*, who stands charged with being an enemy to the United States of America, having heard the witnesses, and considered them, with all the attending circumstances, do judge that the said ——— is an enemy to the said States, and a dangerous person to go at large;—therefore order that he be committed to close confinement, until released, by order of this Council.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, 4th Sept. 1777.

Resolved, that Gen. Jacob Bailey, Doct. Jonas Fay, and Capt. Ira Allen, be a committee to wait on the Hon. Major General Lincoln, to assure him that every aid and assistance in the power of this Council, will be granted him, on the earliest notice.

By order of Council,

IRA ALLEN, *Sec'y*.

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* See note, page 198.

Jonathan Smith is permitted to pass to Litchfield, in Connecticut, and return in fifteen days.*

In Council of Safety, Bennington, Sept. 5, 1777.

To whom it may concern.

Permit ——— ———† to pass the guards from this to Manchester, and remain on his farm, during his good behavior, or the pleasure of this Council,

Per order,

THOMAS CHITTENDEN, *President.*

Let him take his oxen and cart.

In Council of Safety, 6th Sept. 1777.

To Mr. David Fassett - Sir,

Agreeable to General Lincoln's request to this Council, you are directed to engage five teams, to carry flour to Manchester, this day.

By order of Council,

IRA ALLEN, *Sec'y.*

In Council of Safety, Sept. 6, 1777.

To Capt. William Fitch—Sir,

You are hereby directed to deliver to Capt. Goodnough, the bearer, two sides of leather, out of Marsh's fatts, and out of his leather, taking his receipt for the same, after appraised.

By order of Council,

IRA ALLEN, *Sec'y.*

Resolved, that Mr. Joseph Fay be, and he is hereby, appointed Secretary to this Council.

ATTEST, IRA ALLEN, *Sec'y.*

Bennington, Sept. 6, 1777.

This may certify, to all whom it may concern, that Brigadier General Stark has, this day, made a present of one *Hessian broad sword*, to the Hon. Council of the State of Vermont, in order to be kept in said Council Chamber, as a memorial, in commemoration of the glorious action fought at Walloomsack, August 16, 1777; in which case, the exertions of the said Council, was found to be exceeding servicable.

By the donor's order,

JOHN CASEY, *A. D. Camp.*

In Council, 6th Sept. 1777.

To the General Committee at Albany.

The following contains a list of persons, belonging to the State of New-York, confined, on suspicion of being enemies to the United States of America, viz; —— ——, —— ——, —— ——, and —— ——.* The above are the whole which the Council have in custody.

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* We find incorporated in this journal, a great number of licenses similar to this; which we have omitted, to avoid incumbering the work with unnecessary repetitions.

† See note, page 198.

I am, Gentlemen,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President.*

To the Hon. Major General Gates.

The following contains a list of the tories belonging to this State, and the several crimes with which they stand charged, viz:—

—— ——* has joined a tory scout, under arms, and assisted them in taking, and keeping, a prisoner; and, by his own confession, given hard money to several young men, to induce, and enable, them to join said scout, and go to the British troops.

—— —— went voluntarily, under arms, to the enemy's camp, and was taken on the 16th day of August, in the memorable battle fought near this place. The reason of his being sent in irons is—he has once broke from the guards, and got some miles, before retaken.

This committee wish those persons to be sent on board the guard ships in the north river, or otherwise dealt with, as your honor, in your great wisdom, shall think proper.

I am, Dear General,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President.*

—— ——* being arraigned for enemical conduct towards the United States of America; this Council having heard the evidence against the said ——, and his arguments, and having duly deliberated on the same, do judge and order, that the said —— —— pay a fine for the use of this State, of twenty pounds, and stand committed until judgment is complied with.

Sept. 11. Judgment is complied with, and he has taken the oath of allegiance, and is acquitted.

In Council of Safety, 6th Sept. 1777.

—— ——* is proved an enemy to the United States of America, by words and actions, and is judged a dangerous person to go at large.

—— —— has taken protection under General Burgoyne, and been very officious in assisting him;—by his own confession, been to the regulars, and drove cattle.

—— ——, —— ——, —— ——, and —— ——, proved to have been aiding and assisting the British troops, and are dangerous persons to go at large.

This Council having heard the witnesses, with all the attending circumstances, of the several persons above named, do judge and order, that said persons be committed to close confinement, in the common jail at Westminster, until released by proper authority.

By order of Council,
THOMAS CHITTENDEN, *Pres.*

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* See note, page 198.

In Council of Safety, 6th Sept. 1777.

The Council's compliments most cordially wait on his honor Brigadier General Stark, with their sincere thanks for the honor the General has been pleased to do them, by presenting them with a *Hessian broad sword*, taken by a number of troops from the State of New-Hampshire, and elsewhere, under his immediate command, in the memorable battle fought in Walloomsack, near this place, on the 16th of August last; and also for the honor the General has been pleased to do them, in applauding their exertions in a public weal, as a Council.

JOSEPH FAY, *Sec'y.*

Brig. Gen. Stark.

In Council of Safety, Sept. 8, 1777.

Whereas, complaint has been made to this Council, against you, for disposing of cattle and horses belonging to this State, you are therefore hereby summoned to appear before this Council, to answer the complaint, *immediately*.

Per order,

THOMAS CHITTENDEN, *Pres.*

To Wm. Searls, Jun. of Arlington.

To Capt. Jonathan Fassett,

You are hereby authorised to procure, or impress, ten teams, immediately, for the use of forwarding provisions to the army.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council, Sept. 8, 1777.

To Capt. Ebenezer Allen – Sir,

This day received yours of the 6th instant, dated at Manchester, requesting this Council to furnish you with shoes. We have taken the same into consideration, and do hereby recommend to you to take some leather out of Marsh's tan-yard, at Shaftsbury, and make moccasons, to answer the present purpose, until shoes can be procured. You are to make application to Capt. Fitch, or the person who has the care of the yard. The leather is to be appraised, and returns made to this board.

By order of Council,

THOS. CHITTENDEN, *President.*

The following is a copy of a complaint received from Lt. Isaac Clark.

Bennington, Sept. 8, 1777.

To the Council of Safety,

I, the subscriber, complain of ——— ———,[*] of Castleton, for going to the ministerial army, and serving, as a conductor of teams, in the king's service, as doth appear by his writings.

ISAAC CLARK, *Lt.*

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[*] See note, page 193.

In Council of Safety, Sept. 8, 1777.

To the officer of the main guard,

You are hereby required to take the body of —— ——,* and him safely keep in the guard-house, until further orders from this Council. You are also to continue him in irons.

By order,

JOSEPH FAY, *Sec'y.*

In Council, Sept. 9, 1777.

Chareles Brewster is appointed one of the Commissioners of Sequestration for this State.

Resolved, that the estate of —— ——,* of Manchester, be confiscated to the use of this State, for his enemical conduct towards the United States of America.

In Council of Safety, Bennington, Sept. 9, 1777.

Resolved, that —— ——* be committed to close confinement in the common gaol in Litchfield, in lieu of Westminster gaol.

To all whom it may concern,

Permit Messrs. Lemuel Canfield and Jabez Wooster to pass to Arlington, and move to this place —— ——'s family and moveable effects, and lease out his farm.

By order of Council,

THOMAS CHITTENDEN, *President*

In Council, 10th Sept. 1777.

Whereas William Searls, Jun. has disposed of one yoke of oxen, which is the property of —— ——* of Manchester, who has been apprehended as an enemy to the United States—

Resolved, therefore, that said Searls be, and hereby is directed, immediately to pay into the Treasury of this State, seventy-four dollars, which was the sum he received for said oxen.

By order,

JOSEPH FAY, *Sec'y.*

Execution issued on the above judgment, to Ebenezer Wallis.

In Council of Safety, 11th Sept. 1777.

To Peter Harwood,

You are directed to receive the sick person, in David Fassett's care, into your house, and keep until further orders.

By order of Council,

THOMAS CHITTENDEN, *President.*

—— ——* is permitted to go to Arlington, to see his wife, as she is sick, and return again in thirty-six hours.

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* See note, page 198.

In Council, 12th Sept. 1777.

To Freegift Cole—Sir,

You are required to deliver to Lieut. Isaac Clark, five sides of leather, out of the leather belonging to Marsh, and take his receipt for the same.

By order,

JOSEPH FAY, *Sec'y.*

Whereas, sundry persons in this State, have been so lost to a sense of the duty they owe to the Supreme Arbiter of rights, and their country, friends and relations, as to join the tyrant of Great Britain, together with his foreign mercenary troops, and cruel savages in arms, and have been flagrantly guilty of shedding the blood of their innocent neighbors and friends;—and whereas several women, wives to those merciless and unproked murderers, have aided and assisted in bringing about such their designs, by harboring, secreting, feeding, and giving private intelligence to such emissaries of Great Britain, and, by riding post, carrying intelligence to the enemies' camp and scouts, are found to be dangerous persons to society, and instruments of great mischief to this, and the United States of America;

Resolved, therefore, that all such persons as have joined, or may hereafter join, the British troops, and left, or may hereafter leave, their wives and families within this State, have their wives and families sent to General John Burgoyne's head quarters, or some other branch of the ministerial army, as soon as may be.

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council of Safety, 12th Sept. 1777.

Then voluntarily appeared before this Council, —— ——,* and acknowledgeth himself guilty of taking his arms and joining the infamous —— ———'s company, and going with them to the British army,—praying this Council to take him under their protection, and deal with him according to their judgment and discretion;—

This Council having taken the same under their consideration, do judge that, on his dispensing with the loss of what he has already sustained, and voluntarily taking the oath of fidelity to the United States of America, he be dismissed.

By order of Council,

JOSEPH FAY, *Sec'y.*

To whom it may concern,

Permit —— —— to pass from this to his farm in Manchester, there to remain unmolested; he behaving as becometh a friend to his country,—as he has taken the oath of allegiance to the States of America.

By order,

JOSEPH FAY, *Sec'y.*

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* See note, page 198.

Resolved, that —— ——* be permitted to go to his brother's, in White Creek, and there to remain until further orders from this Council, upon giving sufficient bail.

In Council of Safety, Sept. 12, 1777.

Then personally appeared John Curtis, and acknowledges himself bound to the Treasurer of this State, in a recognizance of two hundred pounds, that —— ——* shall be ready at his house, to answer the call of this Council, at any time.

By order of Council,

THOMAS CHITTENDEN, *Pres.*

—— ——*, having voluntarily appeared before this Council, and acknowledged himself guilty of taking up arms, and joining the infamous —— ——s' company, and joining the British army, praying this Council to take him under their protection, and deal with him according to their judgment and discretion :—

This Council, having taken his case under their consideration, do judge and order, that the said —— —— pay, as a fine, the sum of twenty pounds, and stand committed until this judgment is complied with ; and the said —— voluntarily take the oath of fidelity to the United States of America—then to be discharged.

By order of Council,

JOSEPH FAY, *Sec'y.*

The above judgment is satisfied, in cash.

JOSEPH FAY.

In Council, Sept. 12, 1777.

This Council, on reconsideration, vote and order that —— ——* pay thirty pounds, L. money, as a fine for the use of this State, and be released from any further confinement.

Per order,

JOSEPH FAY, *Sec'y.*

Resolved, that —— ——* be permitted the privilege of letting his farm and effects, in Arlington, remain in the hands of Deliverance Squire, unmolested, as he has satisfied this Council for his past conduct, and taken the oath of fidelity to the United States of America.

By order of Council,

THOMAS CHITTENDEN, *President*

Received of Nathan Canfield, one pair blacksmith's bellows, one anvil, one vice, without screw, and one pair of tongs, which was the property of Samuel Buck, of Arlington. In behalf of the Council, received.

Per,

JOSEPH FAY, *Sec'y.*

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* See note, page 198.

In Council of Safety, 18*th Sept*. 1777.

To ——— ———*—Sir,

I received your's of yesterday's date—also received verbal accounts from your father. Am surprised at both :—

First, the account in your letter, when you say that what you ever believed, you now know to be true, viz.—that the protection of the States was the best—considering the conversation I have lately had with you, and your conduct.

Secondly—that you should think strange that we should take care of your interest, when we had certain intelligence that you had joined our avowed enemies, and was actually in their service; and

Thirdly—that you should attempt to escape, when you was taken by our people, on your return; which circumstance would have been much in your favor, even if they had brought you in. You were much to blame in breaking away from the guard.

However, what provocation you had to conduct in that manner, is yet unknown to me; yet, notwithstanding, as it appears by your letter, and your father's request, that you have a desire to be received into favor of your country, I am to inform you, that if you see cause to come to this Council, you may depend on being used as well as you can reasonably expect, when all the circumstances of your case are known. Those persons that took you, must be present, when you come. If you think best to come, it must be within two days from this date; and this shall be your sufficient warrant, on the way.

By order of Council,
I am, Sir, yours,
THOMAS CHITTENDEN, *President*.

In Council of Safety, 20*th Sept*. 1777.

The Council beg leave to return their sincere thanks to the Hon. Brigadier General John Stark, for the infinite service he has been pleased to do them, in defending them and their constituents, from the cruel and bloody rage of their unnatural enemy, who sought to destroy them, on the 6th day of August last They also return their grateful acknowledgements, for the honor the General has been pleased to do the Council, by presenting them with one Hessian gun with bayonet, one broad sword, one brass barrell'd drum, and one grenadier's cap—taken on the memorable 6th of August, aforesaid for the use of this State. The General may rely, that they will be reserved for the use they were designed.

I am, Dear General, with sentiments of esteem,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President*.

Gen Stark.

The bearer, Samuel Trowbridge, is permitted to pass to Arlington, and remove his family down the country, as he has taken the oath of fidelity.

By order of Council,
THOMAS CHITTENDEN, *President*.

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* See note, page 193.

In Council of Safety, 17*th Sept.* 1777.

Resolved, that whatsoever of the goods or chattels, that was his property, (viz. —— ——*)—has been taken by our scouts, we make him no compensation; but he to bear the loss, on the Council giving him, the said ——, a pass to return to his habitation, and there to remain, under our protection, on his good behaviour for the future.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, 19*th Sept.* 1777.

Permit Garret Williamson to take a red roane horse, that belongs to himself, or his son, lately taken by Lt. Isaac Clark.

By order of Council,

THOS. CHITTENDEN, *President.*

In Council, Sept. 20, 1777.

Resolved, on reconsideration, that —— ——* pay a fine of forty pounds, ten shillings, for the use of this State, and to stand committed until this judgment is complied with.

By order of Council,

THOMAS CHITTENDEN, *President.*

Received, the above sum of £40: 10: 0, at two several payments, in behalf of the Treasurer.

JOSEPH FAY, *Sec'y.*

In Council of Safety, Sept. 19, 1777.

The bearer, Capt. Ebenezer Willoby, having passed examination before this Council, has leave to return to his home, at Arlington; to return the arms belonging to Mr. Moore, or the guard he set over him, and return to this Council within five days from this date, on the parole of honor; having first notified Mr. Moore to attend on this Council with him, or bring a line from said Moore, to signify that all matters in dispute between them, is finally settled with Capt. Willoby. Should Mr. Moore refuse, it is accepted he will attend, on this notice.

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council of Safety, 19*th September*, 1777.

To Capt. William Fitch—Sir,

Whereas, Mr. Timothy Mead has, some days past, made application to this Council, to take thirteen sheep out of the tory flock in Arlington, in lieu of that number which he lost,—this Council positively orders that none be delivered, until further evidence can be had.

I am, Sir, your humble servant,

By order of Council,

JOSEPH FAY, *Sec'y.*

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* See note, page 198.

Bennington, Sept. 21, 1777.

(CIRCULAR.)

To all gentlemen concerned.

The Council enclose a copy of the Hon. General Gates' particular and positive orders, of this date, to you, which he requests may be forwarded to you, with the greatest speed. It seems that your assistance can never be more wanted than at this critical moment. The armies are now in such position, as renders it impossible for the enemy to avoid an action. It is a thing almost impossible for them to retreat; therefore, if you will now instantly give your assistance, you never can have it in your power to do yourselves, and your country, a greater service. So favorable a prospect of success, in the northern department, never before appeared. Pray exert yourselves, this once, and the matter cannot detain you long.

I am, Dear Gentlemen, with great anxiety,
By order of Council,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President.*

In Council of Safety, Sept. 22, 1777.

To Capt. Jonas Galusha—Sir,

You are hereby directed to repair, with the fifty men of the militia of Col. Moses Robinson's Regiment, now under your command, to the Hon. Major General Gates' head quarters, who is the commander in chief of the northern department. You will, on your arrival, put yourself under his immediate command, where you will receive orders, during the time you are engaged for, unless sooner discharged by him, or some other Continental officer, commanding the northern department; during which time, you will strictly adhere to, and follow, such orders and directions, as you shall, from time to time, receive from your superior officers.

To Lieut. William Hutchins.

Sir -- You being the next officer in command, and Capt. Galusha being unable to attend the service, will take the above command, and see the orders duly executed.

By order of Council,
JOSEPH FAY, *Sec'y.*

In Council of Safety, Sept. 24, 1777.

To Mr. Conner,

You are hereby ordered to deliver to Mr. William Broomley, his cow, that you have in your keeping, as I am informed that your cow is in Shaftsbury, and can drive her home.

By order of Council,
JOSEPH FAY, *Sec'y.*

Nathaniel Mallary is permitted to join Capt. Smith's company, as he had engaged to take arms in defence of the liberties of America.

By order of Council,
JOSEPH FAY, *Sec'y.*

—— ——* sentenced to pay a fine of fifteen pounds, to satisfy the judgment of this Council against him, for enemical conduct towards the United States.

By order of Council,

JOS. FAY, *Sec'y.*

In Council of Safety, Sept. 24, 1777.

In consequence of a letter received from Col. Benjamin Simonds, for horses to forward flour to the relief of General Warner, at Tyconderoga, we have granted warrants to procure them, with all expedition.

By order of Council,

JOSEPH FAY, *Sec'y.*

To Capt. Nathan Smith—Sir,

You are hereby required to march, with the men under your command, to Paulett, on horse back, where you will apply to Col. Simonds for a horse load of flour to each man and horse. You will furnish bags sufficient for such purpose.

By order of Council,

THOMAS CHITTENDEN, *President.*

To Capt. Ebenezer Wood—Sir,

You are hereby required to take the charge of the men, horses and bags, ordered from this town, and proceed, without one minute's loss of time, to Paulett, where you will apply to Col. Benjamin Simonds for a load of flour for each horse, and proceed to Gen. Warner, with the same, if Col. Simonds shall judge proper. When you return, you are to take especial care that the horses and bags be returned to their proper owners.

JOSEPH FAY, *Sec'y.*

In Council of Safety, Sept. 24, 1777.

Pursuant to a complaint made to this Council, by Henry Snyder, for two horses stole, as will appear by the complaint on file;—Sergeant —— ——, and —— ——,* being apprehended, and brought before this Council. acknowledge themselves guilty of stealing said horses.

Therefore this Council, having taken into consideration their cases, do judge, by the evidence and their own confession, that the act was theft,—an atrocious crime, that demands, by the laws of God and men, that the person or persons, found guilty, should be made a public example of, to deter people from such vicious practices:—The Council, unwilling to see any person suffer, are, nevertheless, constrained, in duty to themselves and constituents, to order that the said —— —— and —— ——, receive, each, thirty-nine lashes on the naked back, at the liberty pole in this place, to satisfy the complaint, and be discharged.

Mr. Josiah Brush, the officer appointed to execute this warrant, is appointed to see this judgment put in immediate execution.

By order of Council,

THOMAS CHITTENDEN, *President.*

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* See note, page 198.

In Council of Safety, 24th Sept. 1777.

Henry Snyder appeared before this Council, and acknowledged to have received eighteen pounds, eighteen shillings, for the damage and cost of recovering his horses.

Therefore, the Council, on reconsideration of the case of —— ——* and —— ——, have thought fit to take off the corporal punishment, and discharge them, on their paying to the Council, as an acknowledgement to the public, a fine of five pounds, and nine shillings cost, and receive a reprimand from the Hon. the President of this Council.

By order of Council,

THOMAS CHITTENDEN, *Pres.*

Received, in full satisfaction of the above judgment.

JOS. FAY, *Sec'y.*

In Council of Safety, 25th Sept. 1777.

In consequence of a letter, this day received from Colonels Brown and Herrick, requesting teams to be sent to bring on plunder, to this place, we have therefore given orders to procure five teams.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, 26th September, 1777.

To Mr. Wright, and the other teams in company,

You are to repair from this to Paulet, with your teams, there to apply to the commanding officer, or Lt. Hyde, to be loaded with plunder, belonging to Col. Brown, and return with the same, and deliver it safe, to this Council.

By order of Council,

JOSEPH FAY, *Sec'y.*

—— ——* is permitted to pass from this to Litchfield south farms, in Connecticut; there to remain, and not to be found without the bounds of that place, without a pass from the Committee of Safety.

By order,

JOS. FAY, *Sec'y.*

In Council of Safety, 30th Sept. 1777.

—— ——* is permitted to pass to his home, in little Hoosack, and return in thirty days.

I promise, on the forfeiture of one thousand pounds, to see the above named —— ——, before the Council, at the expiration of thirty days.

AARON BACKUS.

In Council of Safety, 3d Oct. 1777.

To Capt. John Simonds—Sir,

You are hereby authorised and empowered, to let, or lease, all the estate of Col. —— ——,* late of Kent, now with the king's troops, both real and personal; and all real estate, except so much as humanity requires for the comfortable support of the family, left behind, you will sell at public vendue, and return the money raised on such sale, after the cost is paid, to the Treasurer of this State. The improved land you will let, or lease, to some proper person or persons, as you shall judge will serve the best purpose of supporting the family, and the benefit of this State, not exceeding the term of two years.

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* See note, page 198.

You will return to this Council, an account of all the estate, both real and personal, that you shall seize. You will take the advice of the Committee of the town of Kent, with regard to what part will be sufficient to support the family. You are to obey the orders of this Council, from time to time, relative to said estate, and settle your account with them, or their successors, or some person or persons, appointed for that purpose;—and you are to do it on oath.

By order of Council,
THOMAS CHITTENDEN, *President.*
Attest—Jos. Fay, *Sec'y.*

This may certify that we, pursuant to Gen. Gates' orders, employed Mr. Moses Cleveland to ride post from this to Sheffield, and to impress fresh horses, when he should find it necessary.

By order of Council,
JOS. FAY, *Sec'y.*
To whom it may concern.

In Council of Safety, Oct. 7, 1777.

To Abner Blanchard,

This Council orders that you deliver James Haskins, the gun which you took from him.

By order of Council,
JOSEPH FAY, *Sec'y.*

In Council, Bennington, Oct. 8, 1777.

——— ———*, Paulett— Sir,

This Council are informed that you are found, since you passed examination before us, with arms and ammunition *secreted*, which gives the inhabitants great uneasiness; and nothing short of your making immediate satisfaction to this Council, will prevent your being ordered, immediately, to remove,—which must be done, forthwith.

By order of Council,
JOS. FAY, *Sec'y.*

P. S. If you can satisfy the inhabitants, and obtain their liberty, you may remain, until further orders.

JOS. FAY.

In Council, Bennington, 8th Nov. 1777.

Mrs. Easter Hawley—Madam;

We received your petition, the 8th instant, requesting an answer.—

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* See note, page 198.

We are not destitute of human affection, towards all persons, that are, in principle and practice, friends to America, if it be found in the weaker vessel. Therefore you are permitted to remain in peace, where you are, until further orders from this or a future Council, or a General Assembly of this State.

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council, Oct. 8. 1777.

Gentlemen—This Council earnestly recommend to the town of Bennington, to warn a town meeting, to fill up the Committee of Safety for said town.

By order of Council,

JOSEPH FAY, *Sec'y.*

To the Selectmen of Bennington.

Sold Simeon Sears and Mr. Risdon, the one half of the cart, belonging to this State, for twenty-three dollars.

By order,

JOSEPH FAY, *Sec'y.*

Oct. 9, 1777.

You will please to deliver to Mr. Timothy Pritchett, the cart and oxen belonging to —— ——,* and go to Castleton and bring off said ——'s family to this place.

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council of Safety, Oct. 10, 1777.

This may certify, to whom it may concern, that Doct. Jacob Rhuback, being a friend to his country, has full power from this Council, to take his estate where it may be found—proving his property.

JOS. FAY, *Sec'y.*

To whom it may concern.

Ephraim Knapp is permitted to go to Arlington, and remove his family down the country.

By order of Council,

JOSEPH FAY, *Sec'y.*

To whom it may concern.

In Council of Safety, Oct. 20, 1777.

To the Committee of Safety, Bennington - Gentlemen,

On the request of Capt. John Fassett, Jun. one of your said Committee, the Council are of opinion, that any persons from this State, who have voluntarily deserted the country's cause, and have had recourse to the enemy, for protection, directly or indirectly, do remain in their pres-

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† See note, page 198.

ent situation, until a requisition be made by those who have them in custody, to the authority of this State.

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council of Safety, Oct. 20, 1777.

This Council having had under consideration, the particular circumstances of —— ——,* are of opinion that he return to his farm in Castleton, whenever he shall procure a certificate from under the hands of his several neighbors in that vicinity, that they are severally satisfied to receive him into their friendship; and there to remain, until further orders, unmolested.

By order of Council,

JOSEPH FAY, *Sec'y.*

N. B. May return with his family, if he chooses.

To whom it may concern.

The bearer, —— ——*, is permitted to pass to Castleton, for the purpose of procuring the above named certificate.

By order of Council,

JOSEPH FAY, *Sec'y.*

Col. Peter Olcutt proposed the following question to the Council, viz: Several of my men deserted over to the enemy, after being drafted to go to Tyconderoga were gone about one month, and returned:—the question is—what must be done with these men?

Signed, *Peter Olcutt.*

The Council's answer is—If those men are willing to defend the States, at the risque of life and fortune, to loose what has been taken from them and sold for the benefit of the country; and, in case no seizure and sale has been made, pay a fine adequate to their crimes—give them protection and pardon; but if they refuse to bear their proportion of expense, and will not take up arms in favor of our cause, treat them as outlaws.

By order of Council,

JOS. FAY, *Sec'y.*

—— ——,* on further consideration, judges it not safe to remove his family, or return, himself, to Castleton, according to the pass from the Council of this days date;—he is, therefore, permitted to pass, with his family and effects, to Danbury, in Connecticut.

By order of Council,

JOSEPH FAY, *Sec'y.*

To whom it may concern,

In Council of Safety, Oct. 20, 1777.

Whereas, God, in his providence, has smiled, in a very remarkable manner, on our arms, in this northern department, whereby we are secured, in a very considerable degree, from the ravages and machinations of a cruel and inveterate enemy and their confederates;—

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* See note, page 198.

And whereas, we delight not in the misery or confinement of any individuals, when such confinement is not absolutely necessary for the security of the major part—Therefore, we recommend it to the Committees of the several towns, in this State, to liberate all such persons as have been confined, on suspicion of being enemical, or any whom you may judge may, with safety to this State, or the United States, be liberated, in full or in part, with proper restrictions,—such as confinement to their farms or towns, under the inspection of respectable persons, and during good behavior.

By order of Council,

JONAS FAY, *V. President.*

In Council of Safety, 21st Oct. 1777.

This Council having taken into consideration the complaint of Job Wood against Ebenezer Wood, and having heard the several evidences in support of the complaint, are of opinion that Job Wood rest in the peaceable possession of the farm, the former property of Ebenezer Davis, (late deceased,) without molestation from Ebenezer Wood, until a proper trial can be had, relative to the title of land; and that the said Ebenezer pay to the said Job, for damage, in breach of promise, the sum of four pounds, four shillings, lawful money, and pay the cost of trial, taxed at £2 : 12 : 0.

By order of Council,

JONAS FAY, *V. Presiedent.*

The complaint relative to the above judgment, warrant, and evidences to support it, are on file.

JOSEPH FAY, *Sec'y.*

Resolved, that Capt. Joseph Bowker be, and he is hereby, appointed a Commissioner of Sequestration; as also Mr. George Foot of Castleton, is hereby appointed a Commissioner of Sequestration, to act in conjunction, when it may be necessary, with the other Commissioners of Sequestration, appointed on this side of the mountains.

By order of Council,

JOSEPH FAY, *Sec'y.*

Warrant given to Geo. Foot.

In Council of Safety, 24th Oct. 1777.

The bearer, Samuel Adams' wife, is permitted to pass, with her children, to her husband at Tyconderoga, unmolested, after passing the examination of the officer commanding the northern department. Necessary clothing and bedding is to be allowed; which order the commanding officer will see punctually fulfilled.

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council of Safety, 31*st Oct*. 1777.

The bearer, John M'Niel, is permitted to remain at Lieut. Brackenridges, until further orders from Council; and no other power in this State, than that of this Council, will, in future, presume to violate a permission of this tenor.

By order of Council,

JOSEPH FAY, *Sec'y*.

To whom it may concern.

In Council of Safety, 12*th November*, 1777.

To the Sheriff of the County of Litchfield,

Sir—The bearer, Mr. Abel Hawley, informs this Council, that he has a son, by the name of Agur Hawley, who is confined in the common gaol, at Litchfield :—the Council are unacquainted with the occasion of his confinement, at that place, as no person here is able to give account whether any mittimus has been given, or whether his case be criminal. Should you, on examination, find it consistent with good rule, to send him to this Council, as he is properly an inhabitant of this State, they would take his case under consideration, and endeavor to deal with him, according to his merit.

I am, Sir,
Your most obedient, humble servant,
By order of Council,
JOSEPH FAY, *Sec'y*.

In Council of Safety, 14*th Nov*. 1777.

Resolved, that Thursday, the 4th day of December next, be appointed, and hereby is appointed, to be observed as a day of public thanksgiving and prayer, throughout the State of Vermont.

By order of Council,

JOSEPH FAY, *Sec'y*.

In Council of Safety, *Nov*. 16, 1777.

Resolved, that it be recommended, and it is hereby recommended, to the Committee of Safety, of each town in this State, to take immediately under their examination, all persons who have been to the enemy, or such as are deemed enemies to their country ;—each Committee taking under their examination, the persons belonging to their own town,—and in such town where no committee is appointed, to call the assistance of the neighboring committee. No person to be tried short of the number of seven or more committee-men, selected from three different committees. In case any such person or persons cannot satisfy the inhabitants of the town to which they belong, and obtain their liberty to remain at home, under proper restrictions, to send such persons, forthwith, to this Council, with their crimes, in writing, and evidences to support the charges against them.

The Council further recommend to the respectable Committees of Safety, in this State, to be ever mindful of the worthy and laudable example set us by his Excellency General Washington, and the good people, inhabitants of New-Jersey;—always bearing in mind to consider the weak capacities of many who have been affrightened into a submission to General Burgoyne, &c.—after which, seeing their error, confess their fault, and are willing to defend their country's cause, at the risque of life and fortune.

By order of Council,

THOMAS CHITTENDEN, *President.*

P. S. No person whatever, included in articles of capitulation, are to be considered.

JOS. FAY, *Sec'y.*

Mary Reynolds is permitted to send for her grey horse, and keep him in her possession, until further orders from this Council.

By order of Council,

JOSEPH FAY, *Sec'y.*

(CIRCULAR.)

To the several Committees of Safety, in this State.

Gentlemen—Enclosed, you have a copy of a Resolve of Council, by which you will be governed; and with respect to tory estates, it must be left to the determination of Council.

By order,

THOMAS CHITTENDEN, *President.*

In Council of Safety, 19*th Nov.* 1777.

Whereas, —— ——,* an inhabitant of this State, is guilty of deserting his country's cause, and repairing to the enemy, and aiding and assisting the British troops, against the United States of America; by which he is deemed a notorious enemy to his country. Therefore,

Resolved, that the whole of his interest within this State, be forfeited and sold, for the use and benefit of said State. It is further resolved, that the said —— ——, forthwith, repair to his family, wherever they may be, and never return within this State, without liberty from proper authority of this State, upon penalty of being taken up by any person or persons, and brought before any Committee of Safety, or selectmen, or any proper authority of this State; and after being convicted of such offence, to receive thirty nine stripes, on the naked back, put on at the discretion of said authority; and for every such offence to be punished as aforesaid.

By order of Council,

THOMAS CHITTENDEN, *President.*

——, —— is permitted to pass from this to his family, wherever they may be.

JOSEPH FAY, *Sec'y.*

In Council of Safety, Nov. 21, 1777.

To Mr. Alfred Hathaway—Sir,

You are hereby required to procure, immediately, teams sufficient to transport ten barrels of flour, from Manchester, to the relief of Col. Herrick's regiment, in Paulett. You are further authorised to impress teams where you may find them most convenient for that purpose; for which this shall be your sufficient warrant.

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* See note, page 198.

By order,

JOSEPH FAY, *Sec'y.*

In Council, Bennington, Nov. 22, 1777.

To the inhabitants of Clarendon.

Gentlemen—We received the proceedings of your town, in October, 25th ultimo. These are to inform you, that we have passed a resolve, in what manner tories shall be tried. The Commissioners of Sequestration have received their orders from Council, in what manner to proceed with tory estates, and that those who have forfeited their estates, it is to the State in general, and not to any particular town, till further orders from this or a future Council or General Assembly.

I am, Gentlemen,
By order of Council,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President.*

In Council of Safety, Nov. 24, 1777.

Resolved, that Doct. Paul Spooner, Col. Peter Olcutt, and Capt. Curtis, be appointed, and are hereby appointed, a committee to settle with the Commissioners of Sequestration, on the east side of the Green Mountains, in this State, and make returns to this Council, by the first day of January next.

By order of Council,
JOS. FAY, *Sec'y.*

Resolved, that the members of Council belonging on the east side of the Green Mountains, in this State, together with the above committee, appointed to settle with the Commissioners of Sequestration, be appointed, and are hereby appointed, with full powers to determine the destination of all such persons, whom the Committees of Safety deem to be dangerous persons to remain within this State, or the town to which they belong—also to determine with respect to the confiscation of such estates.

By order,
THOMAS CHITTENDEN, *President.*

In Council, 25th Nov. 1777.

Capt. Bowker—Sir,

The confusion and multiplicity of business, occasioned by the unhappy war in the northern department, since the appointment of this Council, has prevented their being able to get the Constitution printed, which obliges us, this Council, to desire you to call together the old Convention, to meet at Windsor, on Wednesday the 24th of December next, which you will not fail to do.

I am, Sir, by order of Council,
Your most obedient servant,
THOMAS CHITTENDEN, *President.*

P. S. The business of the Convention will be, to adjourn the meeting of the General Assembly.*

T. CHITTENDEN.

In Council of Safety, Nov. 28, 1777.

Capt. Jonathan Fassett, commissioned to sequester tory effects,—to last during the pleasure of this Council, or other legislative body, within this State.

JONAS FAY, *V. President.*

In Council of Safety, Dec. 12, 1777.

The Committee of Safety, for the town of Dorset, are, this day, certified, that Asa Baldwin, Samuel M'Coon, William Underhill, Thomas Baldwin, and Moses Veal, are discharged for whatever they may have said or acted relative to the dispute between Great Britain and America, to the 23d day of September last.

By order of Council,

JONAS FAY, *V. President.*

In Council of Safety, 20th Dec. 1777.

This day given Col. Chittenden an order to take one cow, belonging to this State, now in the custody of John Connor of Manchester, which cow is to be appraised, and an account returned to this Council.

By order of Council,

JONAS FAY, *V. President.*

Andrew Hawley is permitted to take his gun, first obtaining liberty of the Committee of Safety, and return it to the Committee, within six weeks from this date.

By order of Council,

THOMAS CHITTENDEN, *President*

To all concerned.

In Council of Safety, Bennington, Jan. 2, 1778.

Resolved to appoint Moses Robinson of Rupert, a Commissioner of Sequestration of that town—his commission and instructions sent to him, for that purpose.

Resolved, that Capt. John Fassett, Jun. be, and he is hereby, appointed a Commissioner of Sequestration for the town of Arlington. Commission or instructions delivered.

By order of Council,

JOS. FAY, *Sec'y.*

In Council of Safety, Bennington, Jan. 6, 1778.

Resolved, that it be recommended to the Committee of Safety, convened in convention, for the towns of Shaftsbury, Bennington and Pownal, to strictly examine into the particular circumstances of the estates of all such persons as they have had under immediate examination, and are deemed to be enemies to this and the United States of America; and, as soon as may be, transmit to this Council, a copy of their opinion of all, or any part of estates, that are justly forfeited to this State.

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* See address of the Council of Safety to the inhabitants of Vermont, page 81.

Bennington, Jan. 7, 1778.

Mr. Ebenezer Wood—Sir,

You may remember that, on the 21st day of October last, judgment was had against you, by the Council of the State of Vermont, in favor of Mr. Job Wood; in which tryal, you was to pay the costs, which I find, on examination, to amount to about £5: 0: 0. Mr. Job Wood, now present, requests the authority of Council to interpose in his behalf. On this indulgence of Council, it is expected you will pay his bill on sight. Should you refuse, you need not expect a second indulgence in the premises.

I am your friend and humble servant,

JONAS FAY.

In Council of Safety, Jan. 9, 1778.

This may certify, to all whom it may concern, that —— ——* was tried before this Council, on the 24th day of September last, for enemical conduct, and that he did satisfy the judgment of Council; upon which he was discharged.

And whereas the convention of Committees have since taken him under their examination, and adjudged him to be enemical to the liberties of America, and referred him to this Council, to dispose of him as they think proper:—they, finding no crimes against him, transacted since his trial aforesaid, do hereby discharge him; and he is permitted to pass to his home, and there remain unmolested, under the inspection of the Committee, his behaving as becometh a friend to this and the United States of America.

By order of Council,

JONAS FAY, *V. President.*

To Lt. Peter Roberts,

You are hereby required to deliver —— ——* his horse and other effects, which you lately took as his estate, by virtue of your commission of sequestration, for the use of this State.

By order of Council,

JOS. FAY, *Sec'y.*

In Council of Safety, 12th Jan. 1778.

This Council, having taken into consideration the application of the Hon. General John Stark, requesting ten effective men to be immediately employed in beating and treading the snow, in the road leading from this place through the pass of the green mountains, to Col. William Williams, in Draper, alias Wilmington, within this State, do hereby grant the said request, and order that Capt. Samuel Robinson, overseer of the tories, provide such number, properly officered and equipt, with provisions and other requisite necessaries, for such service, who are to be in readiness to march immediately.

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* See note, page 198.

By order of Council,

JONAS FAY, *V. President.*

January 12, 1778.

To Capt. Samuel Robinson, overseer of Tories,

You are hereby required to detach ten effective men under your command, with proper officers to take the charge, and march them, in two distinct files, from this place through the green mountains, to Col. William Williams' dwelling-house in Draper, alias Wilmington, within this State; who are to march and tread the snow in said road, a suitable width for a sleigh or sleighs, with a span of horses on each sleigh; and order them to return, marching in the same manner, to this place, with all convenient speed.

By order of Council,

JONAS FAY, *V. President.*

N. B. You are to order three days provisions to each of such men, and the same to be cooked this day, and to march at 6 o'clock to-morrow morning.

JONAS FAY, *V. President.*

Bennington, Jan. 13, 1778.

The petition of John Payne, John Ordway, and their associates, being presented to this Council, having taken the same under their consideration,—voted, that said petition remain in this office on file, and at the setting of the General Assembly of this State, to be laid before them—being the first petition made for the grant of the land therein mentioned.

By order of Council,

THOMAS CHITTENDEN, *President.*

To Israel Canfield, at Arlington.

You are hereby ordered to deliver to the bearer, Mr. Daniel Sherman, six sides of neats leather, and two sides of horse hyde.

By order of Council,

THOMAS CHITTENDEN, *President.*

—— ——[*] of Arlington, is permitted to remain at home until further orders from this Council, he behaving as becometh.

By order of Council,

THOMAS CHITTENDEN, *President.*

Resolved, that it is the opinion of this Council, that —— ——'s[*] estate is, and it is hereby declared to be, forfeited to this State.

By order of Council,

THOS. CHITTENDEN, *President.*

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[*] See note, page 198.

In Council, Bennington, Jan. 14, 1778.

Resolved, that ——— ———[*] is guilty of enemical conduct against the United States of America—Thereofore,

Voted, that he pay a fine of thirty pounds, L. money, for the use of this State, and to stand committed until this judgment be complied with. Further resolved, that said ——— is not permitted to go further to the northward than the north line of Rutland, within this State, on penalty of forfeiting and paying a fine for the use of the same.

By order of Council,

THOMAS CHITTENDEN, *President.*

This Council having taken under their examination, the complaint of Capt. Samuel Robinson against ——— ———,[*] for defrauding and endeavoring to cheat him, the said Robinson, out of seventy-seven dollars, billetting money, &c. do hereby resolve that the said ——— pay Capt. Robinson seventy-seven dollars, being his demand for billet money, and pay cost, and to stand committed until this judgment be complied with.

By order of Council,

THOMAS CHITTENDEN, *Pres.*

The above judgment satisfied and paid.

Jos. Fay, *Sec'y.*

In Council of Safety, Bennington, Jan. 14, 1778.

Whereas, many of the inhabitants of this State were drove from their possessions, the last year, by the enemy, by which means they have been prohibited the benefit of securing their corn, grain, &c. and from making the necessary preparations for a future crop; by which means there appears to be great danger of such inhabitants and others suffering for want thereof;—

And whereas, it has been represented to this Council that considerable quantities have been, and still are, daily transported out of this State;—to prevent such inconveniency, in future, this Council have taken the same under their consideration, and have thought fit, and do hereby

Resolve, that no wheat, rye, indian corn, flour, or meal, be transported out of this State, or sold to any person, not residing within the same, (except continental stores) after the date of this resolve, except they have a permit from this Council, or Gen. Jacob Bayley, Col. Peter Olcutt, Col. Joseph Marsh, or Col. John Barrett, or any two of them. Any person or persons, violating this resolve, shall, on conviction thereof, before five or more committee men of the town or towns adjacent to where such grain, flour or meal is carried from, (who are hereby authorised to hear, judge and determine the same,) shall forfeit such load or quantity of grain, flour or meal, and three fold the value thereof, in money; one half to be given to any person or persons, prosecuting to effect,—the other half to be converted to the use of this State. And this Council do hereby recommend it to the several committees of safety within this State, to see this rule duly observed,—any one of whom is hereby authorised to seize, or, on complaint and application, to issue his warrant to seize, and detain, any such article before prohibited, and cause such person or persons to be examined and tried as aforesaid. This resolve to continue in force until the first day of June next, unless otherwise determined by the General Assembly of this State.

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[*] See note, page 193.

By order of Council,

THOMAS CHITTENDEN, *Pres.*

JOSEPH FAY, *Sec'y.*

In Council of Safety, Bennington, Jan. 15, 1778.

This may certify, to whom it may concern, that —— ——,* having passed examination before this Council, and voluntarily taken the oath of fidelity to the United States of America, has liberty to pass from this to Rutland, and repass, on his lawful business, any where to the southward of this State, his behaving as becometh a friend to this and the other States of America.

By order of Council,

JOSEPH FAY, *Sec'y.*

Resolved, that Messrs. John Wood and Benjamin Fay be, and hereby are, appointed assistants to Capt. Samuel Robinson, as overseers of tories.

By order of Council,

THOMAS CHITTENDEN, *President.*

JOSEPH FAY, *Sec'y.*

In Council of Safety, 16th Jan. 1778.

To —— ——, and the rest of the heirs of —— ——,* late of Danby, deceased.

You are hereby notified to appear before this Council, on Thursday, the 22d instant, to shew cause, if any you have, why the real estate of —— ——, aforesaid, shall not be confiscated to this State.

By order of Council,

THOMAS CHITTENDEN, *President*

JOSEPH FAY, *Sec'y.*

In Council, 24th Jan. 1778.

Permission is hereby given to the bearer hereof, Mr. Daniel Safford, to transport two thousand weight of flour out of this State, agreeable to a former contract, made previous to the resolve of Council (certified on oath) laying an embargo on wheat, &c.

By order of Council,

THOMAS CHITTENDEN, *President.*

To whom it may concern.

Resolved, that Capt. Averis be directed to employ Abner Woolcott in the service of the Continent, while necessary, unless otherwise ordered by this Council; and that Capt. Averis make return of said Woolcott and his doings, to this Council.

By order thereof,

MOSES ROBINSON, *President P. Tem.*

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* See note, page 193.

Resolved, that this Council will give a bounty of ten dollars for the encouragement of raising three hundred men, under the command of Lt. Col. Herrick, to each non-commissioned officer or soldier who shall enlist, for a certain expedition to ——, now on foot.

In Council, Bennington, Jan. 28, 1778.

This day passed an order and directed the same to Capt. Samuel Robinson, overseer of tories, or either of his assistants, to take under their direction, and immediately employ, —— ——,* and enter him in the first class, agreeable to the direction of the committee of Clarendon.

By order of Council,

THOMAS CHITTENDEN, *President.*

To Capt. Samuel Robinson, or either of his assistants, overseers.

In Council, Jan. 29, 1778.

The bearer, Lt. White, is permitted to carry wheat out of this State, that is due to him on a certain subscription for clearing a road, to the amount of twenty bushels.

By order,

THOMAS CHITTENDEN, *President.*

To whom it may concern.

Bennington, Jan. 17, 1778.

Whereas, the Council must take a considerable part of their time, from this date, to prepare matters to be laid before the General Assembly: and whereas there has been, for some time past, and probably will, in future, many things be laid before this Council, that are of a private nature, which interrupts and hinders them from pursuing the business they were principally appointed for, by the Convention of this State—Therefore,

Resolved, that, from this date, until the 22d of this instant January, and from the 5th of February, until the 12th day thereof, this Council will attend on business of a private nature, and at no other time, until the sitting of the Assembly.

By order of Council,

THOMAS CHITTENDEN, *President.*

To Mr. Eli Roberts,

You are hereby fully authorised and empowered to take into your custody all the moveable effects of —— ——* and —— ——, except what humanity requires for the support of said ——'s family:— and also to seize, and lease out to some proper person, the real estate of the aforesaid persons, not exceeding one year from next April. The moveable estate you will sell at public vendue, or otherwise, as you shall think best. You will, out of the avails of the moveable estate of —— ——, supply his family with provision, until further orders:—the overplus of money, after your cost, (if any) you will return to the Treasurer of this State. You will keep a true and just account of all that you sell, and the price of what you expend for the use of the family,—any other commissioners authority notwithstanding, in the State of Vermont.

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* See note, page 198.

By order of Council,
THOMAS CHITTENDEN, *President.*

In Council, Jan. 19, 1778.

Whereas, sundry inconveniences have arose, by reason of the Commissioners of Sequestration interfering one with the other;—Therefore,

Resolved, that no Commissioner of Sequestration, for the future, be allowed to transact business, for this State, in any town where there is a Commissioner appointed;—and when any Commissioner has transacted business, before this date, in any towns, where there is a Commissioner now appointed, they are directed to transfer their business, done in said town, over to said Commissioner.

By order of Council,
THOMAS CHITTENDEN, *President.*
JOSEPH FAY, *Sec'y.*

In Council, Jan. 21, 1778.

This Council having taken into consideration the complaint of Witherell Wittum against William Wheeler; and having heard the several evidences relative to the case, are of opinion, that William Wheeler pay Witherell Wittum two pounds, sixteen shillings, lawful money, which is the demands of the execution against Wittum, for cost, &c.; and pay the cost of suit, amounting to £2: 12: 0, L money.

By order of Council,
THOMAS CHITTENDEN, *President.*
JOSEPH FAY, *Sec'y.*

In Council of Safety, Jan. 23, 1778.

Whereas, repeated applications have been, and are like to be, made to this Council, by the tories now in this place, destined to hard labor, for permits to go to their homes; by which means, this Council is much obstructed in their more immediate and necessary business;—to prevent such inconveniences in future,

Resolved, that Capt. Samuel Robinson and his assistants be hereby authorised to permit the several tories of ~~the first~~ class, to go home, for a necessary limited time, at the discretion of said Robinson and his assistants, on extraordinary occasions,—as in case of sickness and distress of their families, &c.

By order of Council,
THOMAS CHITTENDEN, *President.*
JOSEPH FAY, *Sec'y.*

This Council are of opinion that —— ——* has been under confinement fifteen days, contrary to the true intent of the Committee before whom he had his trial; and as he appears to be out of health, you have therefore, liberty to give him a pass to go home and remain there unmolested, fifteen days.

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* See note, page 198.

By order of Council,

THOMAS CHITTENDEN, *President.*

Capt. Samuel Robinson.

In Council of Safety, Jan. 24, 1778.

Whereas, it has been represented to this Council, that divers persons, to the great disadvantage of this State, have bought, and sold to the inhabitants, in small quantities, and at exorbitant prices, (and continue so to do) certain spirituous liquors, whereby drunkenness, idleness, quarrels, &c. &c. is promoted among us; which evil to prevent in future, have thought fit, and do hereby, resolve, that the committees of safety, selectmen, and constables, of each town within this State, shall meet together at some convenient place, within each respective town, on the second day of March next, and nominate, by their major vote, a sufficient number of suitable persons to keep houses of public entertainment, for travellers, for the year ensuing, or until otherwise ordered by the General Assembly of this State, and return their names to this Council, or to any two of the members thereof; who are hereby fully authorised and empowered to grant licence for that purpose—taking one dollar, or six shillings, as a fee for the same.

Further resolved, that, if any person or persons, within this State, not licensed as above, shall, after the 10th day of March next, presume, directly, or indirectly, to sell any kind of spirituous liquors, in any less quantity than one quart, or any quantity to be drank in or about his, her, or their house or houses,—for every such offence, being thereof duly convicted before three of the committee-men of the town where such offence is committed, (who are hereby fully authorised aud empowered to hear and determine the same,) shall forfeit and pay the sum of six pounds, lawful money; the one half to be applied for the use of the town where such offence is committed, and the other half to be given to the person complaining and prosecuting to effect.

By order of Council,

THOMAS CHITTENDEN, *President.*

JOSEPH FAY, *Sec'y.*

In Council of Safety, Jan. 30, 1778.

To Capt. Elkanah Cook,

You are hereby directed to let the heirs of John Curtis improve the farm formerly belonging to him, during the life of said Curtis' wife; their giving sufficient bonds to maintain the said John Curtis' wife, during her life.

By order of Council,

THOMAS CHITTENDEN, *President.*

Whereas, reports to the prejudice of the rangers and others, have circulated among the people, and have also been made to this Council, that great injustice has been done to the inhabitants by them,—they having plundered them, contrary to express orders and designs of this Council: and whereas some of the officers, rangers, have moved that a trial be indulged them, that thereby their characters may be re-established, and blame fall only on the guilty, if any there be, therefore

Resolved, that all persons be, and they are hereby notified to bring information or evidence, to this Council, of the effects plundered or taken from them, and by whom, or what party, attested on oath before the chairman of any committee of safety, the 25th day of February next;—and all persons neglecting to exhibit their complaint, on the above said day, shall be forever foreclosed bringing in such complaints; and reports to the prejudice of any officer or soldier, or any other persons, relating to the premises, shall not be noticed, but treated as scandalous libels.

Provided always, that nothing in this resolve be construed that any complaint against any person for plundering, that shall be found out after the 25th day of February next, be excluded.

By order of Council,

THOMAS CHITTENDEN, *President*.

Joseph Fay, *Sec'y*.

In Council of Safety, Bennington, Jan. 31, 1778.

Michael Dunning, Esq. Pownal,

Sir – You are hereby directed to dispose of the grain belonging to this State, to such of the inhabitants as have been drove from their farms, &c. by the enemy, (as they may apply to you) at the common price; which is, for wheat, three dollars per bushel. You will reserve all spring grain, for seed.

I am, Sir, by order, &c.

JOS. FAY, *Sec'y*.

In Council, Bennington, Feb. 3, 1778.

This Council do hereby permit the bearer, Elnathan Murwin, to inventory his brother Israel Murwin's estate, (late deceased) and settle the same; keeping a regular account to exhibit to this Council, whenever demanded.

By order,

THOMAS CHITTENDEN, *President*.

In Council of Safety, Feb. 4, 1778.

To Colonels Moses Robinson, Timothy Brownson, James Mead, Joseph Marsh, Peter Olcutt and William Williams;

Gentlemen—You are hereby required to return to this Council, on, or before Thursday the 12th day of March next, the number of male inhabitants included within the limits of your regiments, between the age of sixteen and sixty years of age, of what denomination soever, (ministers of the gospel excepted;) as also the names of the commissioned officers of each company.

By order of Council,

THOMAS CHITTENDEN, *President*.

In Council of Safety, Bennington, 9*th Feb.* 1778.

Elnathan Hubble, Esq. Chairman of Committee of Safety, Bennington.

Sir You are hereby directed, with the assistance of the other gentlemen of the Committee of Safety, for this town, to take under your consideration, the case depending between Samuel Robinson, overseer of tories, in behalf of David Goff's wife, and John Potter; and to award judgment thereon, according to justice and equity.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council of Safety, 10*th Feb.* 1778.

This Council having taken under their consideration the complaint made to this Council by Capt. Zadock Averis, in behalf of the United States, against —— ——,* for enemical conduct to the United States of America, having examined the evidence, and every attending circumstance, relative thereto, and after seriously deliberating thereon, do judge and order, that the said —— —— pay thirty pounds, lawful money, as a fine for the use of this State; and pay all reasonable charges of trial, and stand committed until this judgment be complied with. Cost taxed at £16: 8: 0.

By order of Council,

THOMAS CHITTENDEN, *President.*

Jos. Fay, *Sec'y.*

Feb. 11.—Received the cost of the above suit, £16: 8: 0; and £21: 14: 0, on the above judgment.

JOSEPH FAY, *Sec'y.*

£8: 6: 0, received by me.

THOMAS CHITTENDEN.

In Council, Bennington, 10*th Feb.* 1778.

Capt. Ebenezer Wood,

Sir—Enclosed you have a warrant to engage fifty able bodied and effective men, to serve in an expedition to Canada, together with two warrants for two Lieutenants, and blanks left for their names. You are hereby directed to give your former Lieutenants the offer of them. Should any thing prevent their serving in this campaign, you will appoint others to enter their names in the blanks. You will take particular care to appoint men of honor and veracity, and such as will be most likely to raise their quota of men. You will do all in your power to have your company raised with all possible expedition, not to exceed the first day of March next.

I am, Sir, your humble servant,

THOMAS CHITTENDEN, *President.*

Whereas, application has been made to this Council by Col. Moses Hazen, commanding the continental troops at Albany, in the northern department, to raise as many volunteers as possible, in the power of this

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* See note, page 198.

State, to serve in an expedition to Canada; in consequence of which, this Council have, this day, resolved to raise three hundred volunteers, within this State, to be in a regiment commanded by Samuel Herrick, Esq. Lt. Col. commandant, and to continue in service until the last day of April next. Further resolved, that Major Benjamin Wait, be and he is hereby appointed Major to said Regiment; and that Captains Ebenezer Allen, Jesse Sawyer, Parmely Allen, Ebenezer Wood, —— Boyden, and Abner Sealey be, and they are hereby appointed to be Captains in Col. Herrick's regiment; and the subalterns that served under the before mentioned Captains, in the last campaign, have the offer of serving again; and, should any of them not serve, the Captains are hereby directed to appoint such others as will be most likely to recruit their quota of men. Particular care is to be taken, to appoint men of honor and veracity. Further resolved, that a premium of one dollar be granted by this Council, to the officers, for every able bodied and effective man they shall enlist for the before mentioned expedition; and that a bounty of ten dollars be given to each non-commissioned officer and soldier that shall so engage, to be paid them, before they march.

By order of Council,

THOMAS CHITTENDEN, *President.*

Joseph Fay, *Sec'y.*

(CIRCULAR.)

In Council of Safety, Bennington, 10*th Feb.* 1778.

Sir—On application of Col. Moses Hazen, commander in chief of the Continental troops at Albany, this Council have this day resolved to raise three hundred volunteers, within this State, under the command of Samuel Herrick, Esq. Lt. Colonel commandant, to continue in service of the true and independent States of America, until the last day of April next, unless sooner discharged.

To each able bodied, effective volunteer, thus engaged in this glorious cause, for the defence of his life and liberty, you shall be enabled by this Council, to give, as an encouragement, a bounty of ten dollars, on, or before the time you shall receive orders from this Council to march them from their respective homes. They will also, be entitled to such other encouragement by wages, plunder, &c. as is allowed the volunteers from the other free and independent States of America.

This expedition is set on foot by the Hon. Continental Congress; and should any who nobly engage in this glorious enterprise, be so unfortunate, as not to have it in their power to furnish themselves, seasonably, with the necessary articles of shoes, stockings, or blankets, there is encouragement that they may be supplied out of the Continental store, by applying there.

It is expected that a respectable body of Continental troops will be employed, in conjunction with the volunteers from this, and the neighboring States, sufficient to penetrate into Canada, and thereby frustrate any designs the enemy may have, in a future campaign, of approaching this country; and as this State is peculiarly exposed by its contiguous situation to them, to be first ravaged, unless some such effective means

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shall prove successful to prevent their incursions—therefore, this Council flatter themselves that no further arguments need be used to induce every well wisher to the freedom and liberty of himself and injured country, vigorously to exert every nerve, on this most important occasion.

I am, Sir, by order of Council,
Your most obedient, humble servant,
THOMAS CHITTENDEN, *President.*

Copies of the foregoing letter sent to the several Captains on the east side the green mountain.

Attest, JOSEPH FAY, *Sec'y.*

In Council, Bennington, Feb. 17, 1778.

To Capt. Joseph Bowker—Sir;

Whereas, complaint is made to this Council, by Deacon John Burnap, that Moses Olmsted, Jabez Olmsted, and —— Owen, of Pittsford, did, in December last, take from him about twelve hundred weight of iron, which is detained from him; he therefore desires of this Council, that they would direct him, in what manner he may obtain his property again.

Therefore, this Council recommend to call together the members of the several Committees in Rutland and the neighboring towns, to the number of five, to judge and determine the case, depending between the above parties, according to justice and equity.

By order of Council,
THOMAS CHITTENDEN, *President.*

In Council, Feb. 25, 1778.

To Capt. Isaac Clark and Lt. Bradley,

Whereas this Council is informed that the intended expedition to Canada is dropped or likely to fall through, you are hereby requested to desist raising any more soldiers for the above purpose, on the encouragement of a bounty of ten dollars, heretofore granted by Council, until further orders.

By order of Council,
THOMAS CHITTENDEN, *President.*

In Council, Bennington, March, 1778.

The bearer, Capt. Isaac Clark, is permitted to transport or convey sundry families out of this State, to the enemies' lines, viz: —— ——, —— ——, —— ——, and —— ——'s* families.

By order of Council,
THOMAS CHITTENDEN, *President.*

Mrs. ——* is permitted to carry with her, two feather beds, and bedding suitable therefor,—six pewter plates, two platters, two basons, one quart pot, one tea kittle, wearing apparel for herself and children, one frying pan, one candle stick knives and forks.

Mrs. —— is permitted to carry with her, two feather beds, and bedding for the same, five pewter plates, two platters, two basons, one V. Pot, one tea kittle, one small brass kittle, one brass skillett,—the bedding to consist of three coverlids, one bed quilt, four blankets, and eight sheets, —one chest, her wearing apparrel, and her children's, and knives and forks.

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* See note, page 198.

By order,

THOMAS CHITTENDEN, *President.*

Bennington, 28*th Feb.* 1778.

To the Commanding Officer at Albany,

Sir—I am directed by Council, to enclose a letter from the inhabitants of our frontiers, by which you will have opportunity to observe their complaints, which I judge are not groundless. Those inhabitants have been, for some time past, supported by a small scout of about twenty-four men, inhabitants of this State, who are in an unhappy situation, on account of their familes and stocks being left at home, and almost destitute of provisions for their families, or fodder for their cattle, occasioned by the ravages of the enemy, last campaign; which has been so universally the case of the inhabitants of this State, that it has put it out of our power to furnish a public store of provisions. I therefore desire your honor, if consistent, to furnish a sufficient guard to protect the frontiers, or give orders that provisions be supplied out of the Continental stores, for the subsistence of one hundred men, exclusive of officers, to be raised within this State, for that purpose; which this Council are of opinion will be sufficient, until the opening of the spring.

I am, Sir, &c.

THOMAS CHITTENDEN, *President.*

In Council, March 5, 1778.

Whereas, application has been made to this Council, by the frontier inhabitants of this State, near Lake Champlain, and Otter Creek, requesting a suitable number of men to guard them from the incursions of the enemy; on which this Council laid the same before the commander in chief at Albany, requesting of him a number of troops for the above purpose, or at least, provisions for one hundred men, exclusive of commissioned officers, to be raised by this State; who was pleased to give his approbation for raising said men, and orders to the Commissary at Bennington, to furnish them with provisions,—therefore,

Resolved, to raise two companies, consisting of fifty able bodied effective men, in each, exclusive of commissioned officers, to be commanded by one Captain and two Lieutenants, each,—to give one months pay to them, to enable them to recruit their men, and ten dollars bounty to each non-commissioned officer and soldier, together with four pounds per month, as wages,—to continue in service two months from this date, unless sooner discharged.

By order of Council,

THOMAS CHITTENDEN, *President.*

Jos. Fay, *Sec'y.*

In Council of Safety, Feb. 25, 1778.

Lt. Martin Powel,

Sir—You are hereby required to call the Committee of Safety for the town of Manchester, as soon as may be, to take cognizance of the case, depending between Lt. Peter Roberts and Arthur Bostwick, relative to the salt, Roberts accuses Bostwick of taking, without his licence therefor; and to make, and execute, judgment thereon, as to justice appertains;—and to order the promise made by Bostwick to Roberts, for making restitution for the salt, by the 27th instant, to be suspended, until such trial may be had.

I am, Sir, your humble servant,

JOSEPH FAY, *Sec'y.*

In Council, Bennington, 4th March, 1778.

Messrs. Fitch and Roberts,

Gentlemen—The bearer, Daniel Kinney and Jonathan Trusdel, have this day made application to this Council for, each, the rent of a farm, within this State. They appear to be men that will make useful members of society,—will deposit money in the treasury office of this State, sufficient, at least, for the rent of such farms as they may agree for. This Council therefore, desire that, if you have any farms now in possession, that you can dispose of, by virtue of your commission of sequestration, on the usual rate of renting them, that you oblige the bearers, to the best of your abilities.

Your obedient servant,

By order of Council,

JOSEPH FAY, *Sec'y.*

In Council, Bennington, 6th March, 1778.

Instructions for Capt. Ebenezer Allen.

The object of ordering the troops to be by you raised and commanded, is, to protect the northern inhabitants of this State, near Lake Champlain and Otter Creek. You will, therefore, proceed and raise your men, with all possible despatch; and when you have enlisted a sufficient number, you will march them to New-Haven fort, where you are to take post. You are to keep out proper scouts, to reconnoitre the woods, to watch the movements of the enemy, and report them to this Council, or the officer commanding the troops in the northern department, as often as you shall find, from time to time, necessary.—As there is some few inhabitants north of the fort, should you judge them to be disaffected persons to the interests of the United States of America, you will confine him or them, and secure his or their estate, for the use of this State, until such person or persons may be tried by a Committee of Safety, next adjacent to the offender or offenders; and if such Committee shall acquit them or either of them, he or they, so acquitted, to be restored in their property.

You are to be particularly cautious that none of the inhabitants may suffer, by their effects being taken, on suspicion of their being tories.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council, Windsor, 12th March, 1778.

This Council do recommend to the several gentlemen appointed by the freemen of the several towns within this State, to represent them, in General Assembly, to assemble at the town house in this place, immediately, and to form a House of Assembly, by choosing a Speaker and Clerk; and make report of your proceedings hereon, as soon as may be, to this Council.

By order of Council,

THOMAS CHITTENDEN, *President.*

In Council, Windsor, 12th March, 1778.

To John Benjamin, gentleman.

Whereas, a number of the inhabitants of this State, are now met together, in this place, appointed by the freemen of the several towns within the same, in order to form a House of Assembly;—and whereas it is found necessary that some person be appointed to act in the capacity of a Sheriff;—You are therefore, hereby appointed, authorised and empowered, in the capacity of Sheriff, during the session of this present Assembly, unless sooner discharged; and to subject yourself to such rules and orders as you shall, from time to time, receive from this, or a future Council of this State; for which this shall be your sufficient warrant.

By order of Council,

THOMAS CHITTENDEN, *President.*

Attest, Jos. Fay, *Sec'y.*

The government of Vermont commenced its operations under the *Constitution*, on the 13th of March, 1778. As the principal power was, by the Constitution, vested in the General Assembly—whose journal will be found in a subsequent part of this volume—it is deemed unimportant to publish the journal of the Governor and Council. For the purpose, however, of exhibiting some of the powers exercised by that branch of the government, immediately after its organization under the Constitution, we extract the following from its journal.

In Council, Arlington, April 10, 1778.

To Capt. Ebenezer Wallace,

Sir—You are hereby required to call to your assistance, two sufficient, able bodied, effective men, and such as you can repose the greatest trust and confidence in, and with them, immediately to proceed to the green mountain, east of this place, and from thence you are to proceed to the north, and to search the woods, critically and diligently; and, in case you, or either of your party, shall make discovery of any person or persons, who have voluntarily heretofore gone over to the enemy, and are now within this State, as spies, or otherwise, that you secure any such person or persons, and him or them bring, forthwith, before this board, to be further dealt with, according to law. And you are hereby authorised and empowered to call to your assistance, such of the militia of this State, as you may, from time to time, find necessary, to carry this measure into effectual execution;—and if, at any time, you should find necessary, you are to immediately post away the intelligence of your situation, and the discoveries you have made, to the Governor of this State. And you are hereby further directed and empowered to administer an oath of secrecy to the persons whom you shall take to your assistance; and you are likewise, to secure any other person or persons, whom you may judge to be enemies to this or the United States of America.

THOMAS CHITTENDEN.

Attest, M. Lyon, *D. Sec'y.*

In Council, Arlington, 24th April, 1778.

To Abram Mattison, Pownal.

Whereas, it has been represented to this Council, by Austin Sealey, that you have taken from him a cow and calf, which is either the property of this State, or his son;—this is therefore to request, and order, you to deliver the cow and calf to said Sealey, or to appear before this Council to give the reasons why you withhold said cow and calf, forthwith.

By order of Governor and Council,
MATTHEW LYON, *D. Sec'y.*

In Council, Arlington, 25th April, 1778.

Mr. Joseph Smith is to sell the wheat that he has seized, formerly the property of —— ——,* now stored at widow Peters', and pay Mr. Sprague two pounds, five shillings and six pence, lawful money, and as much to himself; and the remainder to send by a safe hand to the Treasurer of this State, as soon as may be;—the money to be paid to Mr. Sprague and Mr. Smith, is for travel to Bennington, and giving evidence against said ——.

By order of Governor and Council,
MATTHEW LYON, *D. Sec'y.*

In Council, Arlington, 28th May, 1778.

To Capt. Jesse Sawyer,

You are hereby directed to engage five soldiers to go with you in search of enemical persons, to the north of this, in such places as you shall think proper, and make returns of your proceedings, within six days, to this Council.

THOMAS CHITTENDEN, *Governor.*

Attest, Matthew Lyon, *D. Sec'y.*

Whereas, it has been represented to this Council, that the wife of —— ——,* late of Manchester, (now in arms with the enemy,) is very turbulent and troublesome, where she now is, and refuses to obey orders;—

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* See note, page 198.

To Stephen Washburn,

Sir—You are hereby commanded to take said woman, and her children that are now in Manchester, and transport them to head quarters at Rutland, and there deliver them to the commanding officer, who will order a party of the men under his command to transport and guard them to some convenient place, on the east side of Lake Champlain, where she can go to the enemy, in order to get to her husband; and also take, of her moveable estate, formerly the property of said ——, now in her possession, two feather beds and bedding, not exceeding eight sheets, six coverlids or blankets, five plates, two platters, two basons, one quart cup, and knives and forks, if he has such things, and her own, and her children's, wearing apparrel. The rest of the moveables, belonging to said estate, you will sell to the best advantage, in order to defray the charge of transportation of her family. You will keep exact accounts, and the overplus, you will pay to the Treasurer of this State.

By order of Governor and Council,

M. LYON, *D. Sec'y.*

In Council, June 4, 1778.

To Benjamin Fay, Esq. Sheriff of the County of Bennington.

This Council have taken into consideration, this day, the petition of David Redding, now a prisoner, under sentence of death, and do hereby, in consequence, reprieve him the said David Redding, until Thursday next, the 11th instant June, precisely at the hour of two o'clock, in the afternoon of said day. You are therefore, hereby ordered to suspend his execution until that time.

By order of Council,

THOMAS CHITTENDEN.

In Council, June 5, 1778.

Col. Samuel Herrick,

Sir Yours of this days date, have received. In answer thereto, would inform you that Redding did petition the General Assembly of this State, for a re-hearing, inasmuch as he was tried by a jury of six men, only. The members of the Assembly not being come so fully before the time of his execution, so as to determine the matter, therefore, this Council have reprieved said Redding from being executed, until Thursday next, two o'clock, in the afternoon. This Council do not doubt, in the least, but that the said Redding will have justice done him, to the satisfaction of the public.

By order of Governor and Council,

THOMAS CHANDLER, JUN. *Sec'y.*

In Council, June 9, 1778.

Resolved, that Col. Ethan Allen be, and is hereby chosen to act in the capacity, and do the duty, of States Attorney, in the cause depending between this, the United States of America, and David Redding, a prisoner to be tried this day, for enemical conduct against this, and said United States.

By order of the Governor and Council,

THOMAS CHANDLER, Jun. *Sec'y.*

In Council, Bennington, 17*th June,* 1778.

Upon the petition of Lurania M'Clane, praying to be discharged from her late husband, John M'Clane, for certain reasons mentioned in her said petition; as by said petition, on file, may appear;—he the said John M'Clane, being notified, did not appear before this Council.

This Council having considered the petition and the matter contained therein, with the evidences and their circumstances, do adjudge that the said Lurania, of right, ought to be discharged from the said John M'Clane, and he is hereby divorced; and therefore, resolve and declare that the said Lurania be discharged from him the said John M'Clane, and that she has a good and lawful right to marry to another man.

By order of Governor and Council,

THOMAS CHANDLER, Jun. *Sec'y.*

CONSTITUTION

OF THE

STATE OF VERMONT,

AS ESTABLISHED BY CONVENTION,

JULY 2, 1777.*

Whereas, all government ought to be instituted and supported, for the security and protection of the community, as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas, the inhabitants of this State have, (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic domination of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him, ceased in the American Colonies.

And whereas, the territory which now comprehends the State of *Vermont*, did antecedently, of right, belong to the government of *New-Hampshire*; and the former Governor thereof, viz. his Excellency *Benning*

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* It is worthy of remark, that this Constitution was never submitted to the people for their approbation. It is stated by Ira Allen, in his history of Vermont, that the credentials of the members of the Convention, authorised them to *form* a constitution, but were silent as to its *ratification*; and that, owing to the unsettled state of public opinion, it was thought hazardous to submit it, directly, to the decision of the people. It was, however, silently submitted to,—not only because a government, organized under even a defective constitution, was esteemed preferable to the unsettled state of things which had so long existed, but because such organization seemed necessary to lay the foundation for a recognition of the sovereignty of Vermont, and her admission into the union. [See Thomas Young's address to the inhabitants of Vermont, page 76.]

For some account of the formation of this Constitution, the reader is referred to pages 79, 80, and 81, of this collection.

Wentworth, Esq. granted many charters of lands and corporations, within this State, to the present inhabitants and others.* And whereas, the late Lieutenant Governor *Colden*, of *New-York*, with others, did, in violation of the tenth command, covet those very lands; and by a false representation made to the court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government,) obtained jurisdiction of those very identical lands, *ex-parte*;† which ever was, and is, disagreeable to the inhabitants. And whereas, the legislature of *New-York*, ever have, and still continue to disown the good people of this State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present constitution, in which is established the grants of land made by that government.

They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees for each township; and did enhance the quit-rent, three fold, and demanded an immediate delivery af the title derived before, from *New-Hampshire*.

The judges of their supreme court have made a solemn declaration, that the charters, conveyances, &c. of the lands included in the before described premises, were utterly null and void, on which said title was founded: in consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent, at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

The Governors, *Dunmore*, *Tryon* and *Colden*, have made re-grants of several tracts of land, included in the premises, to certain favorite land jobbers in the government of *New-York*, in direct violation of his Britannic majesty's express prohibition,‡ in the year 1767.

They have issued proclamations, wherein they have offered large sums of money, for the purpose of apprehending those very persons who have dared boldly, and publicly, to appear in defence of their just rights.

They did pass twelve acts of outlawry,§ on the 9th day of March, A. D. 1774, impowering the respective judges of their supreme court, to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have, and still continue, an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

They have hired foreign troops, emigrants from *Scotland*, at two different times, and armed them, to drive us out of possession.

They have sent the savages on our frontiers, to distress us.

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* For a list of these grants, see page 13–16.

† See page 19.

‡ For this prohibition, see page 21.

§ See page 42–48.

They have proceeded to erect the counties of Cumberland and Glocester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

The free Convention of the State of *New-York*, at *Harlem*, in the year 1776, unanimously voted, "That all quit-rents, formerly due to the King of Great Britain, are now due and owing to this Convention, or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic majesty, in the most humble manner, for redress, and have, at very great expense, received several reports* in our favor; and, in other instances, wherein we have petitioned the late legislative authority of *New-York*, those petitions have been treated with neglect.

And whereas, the local situation of this State, from *New-York*, at the extream part, is upward of four hundred and fifty miles from the seat of that government, which renders it extream difficult to continue under the jurisdiction of said State.

Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be, henceforth, a free and independent State; and that a just, permanent and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the honorable American Congress.

We the representatives of the freemen of *Vermont*, in General Convention met, for the express purpose of forming such a government,—confessing the goodness of the Great Governor of the universe, (who alone, knows to what degree of earthly happiness, mankind may attain, by perfecting the arts of government,) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves, such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever,—do, by virtue of authority vested in us, by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein, forever, unaltered, except in such articles, as shall, hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

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* For one of these reports, see page 33–5.

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

I. That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law, for the payment of debts, damages, fines, costs, or the like.

II. That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.

III. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understanding, regulated by the word of God; and that no man ought, or of right can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man who professes the protestant religion, be justly deprived or abridged of any civil right, as a citizen, on account of his religious sentiment, or peculiar mode of religious worship, and that no authority can, or ought to be vested in, or assumed by, any power whatsoever, that shall, in any case, interfere with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up, and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

IV. That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

V. That all power being originally inherent in, and consequently, derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

VI. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish, government, in such manner as shall be, by that community, judged most conducive to the public weal.

VII. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VIII. That all elections ought to be free; and that all freemen, having a sufficient, evident common interest with, and attachment to, the community, have a right to elect officers, or be elected into office.

IX. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore, is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent; or that of his legal representatives; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law, but such as they have, in like manner, assented to, for their common good.

X. That, in all prosecutions for criminal offences, a man hath a right to be heard, by himself and his counsel—to demand the cause and nature of his accusation—to be confronted with the witnesses—to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty, except by the laws of the land or the judgment of his peers.

XI. That the people have a right to hold themselves, their houses, papers and possessions free from search or seizure; and therefore warrants, without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

XII. That no warrant or writ to attach the person or estate, of any freeholder within this State, shall be issued in civil action, without the person or persons, who may request such warrant or attachment, first make oath, or affirm, before the authority who may be requested to issue the same, that he, or they, are in danger of loosing his, her or their debts.

XIII. That, in controversies respecting property, and in suits between man and man, the parties have a right to a trial by jury; which ought to be held sacred.

XIV. That the people have a right to freedom of speech, and of writing and publishing their sentiments; therefore, the freedom of the press ought not to be restrnined.

XV. That the people have a right to bear arms for the defence of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVI. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free. The people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and execting such laws as are necessary for the good government of the State.

XVII. That all people have a natural and inherent right to emigrate from one State to another, that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote their own happinesss.

XVIII, That the people have a right to assemble together, to consult for their common good—to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

XIX. That no person shall be liable to be transported out of this State for trial, for any offence committed within this State.

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.

SECTION I.

The Commonwealth or State of Vermont, shall be governed, hereafter, by a Governor, Deputy Governor, Council, and an Assembly of the Representatives of the Freemen of the same, in manner and form following.

SECTION II.

The supreme legislative power shall be vested in a House of Representatives of the Freemen or Commonwealth or State of *Vermont.*

SECTION III.

The supreme executive power shall be vested in a Governor and Council.

SECTION IV.

Courts of justice shall be established in every county in this State.

SECTION V.

The freemen of this Commonwealth, and their sons, shall be trained and armed for its defence, under such regulations, restrictions and exceptions, as the General Assembly shall, by law, direct; preserving always to the people, the right of choosing their colonels of militia, and all commissioned officers under that rank, in such manner, and as often, as by the said laws shall be directed.

SECTION VI.

Every man of the full age of twenty-one years, having resided in this State for the space of one whole year, next before the election of representatives, and who is of a quiet and peaceable behaviour, and will take the following oath (or affirmation) shall be entitled to all the privileges of a freeman of this State.

I ——— ——— solemnly swear, by the ever living God, (or affirm, in the presence of Almighty God,) that whenever I am called to give my vote or suffrage, touching any matter that concerns the State of Vermont, *I will do it so, as in my conscience, I shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.*

SECTION VII.

The House of Representatives of the Freemen of this State, shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every town in this State, respectively. And no foreigner shall be chosen, unless he has resided in the town for which he shall be elected, one year immediately before said election.

SECTION VIII.

The members of the House of Representatives, shall be chosen annually, by ballot, by the freemen of this State, on the first Tuesday of September, forever, (except this present year) and shall meet on the second Thursday of the succeeding October, and shall be stiled the General Assembly of the Representatives of the Freemen of *Vermont*; and shall have power to choose their Speaker, Secretary of the State, their Clerk, and other necessary officers of the house—sit on their own adjournments—prepare bills and enact them into laws—judge of the elections and qualifications of their own members—they may expel a member, but not a second time for the same cause—They may administer oaths (or affirmations) on examination of witnesses—redress grievances—impeach State criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties, and shall have all other powers necessary for the legislature of a free State: but they shall have no power to add to, alter, abolish, or infringe, any part of this constitution. And for this present year, the members of the General Assembly shall be chosen on the first Tuesday of March next, and shall meet at the meeting house, in *Windsor*, on the second Thursday of March next.*

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* The constitution, as established on the 2d of July, 1777, provided that the first election should be holden in December, and that the Assembly should meet in January, following We have before stated [page 80] that the constitution was revised at a subsequent meeting of the Convention. Probably, however, no alteration was made at this meeting, except in the 8th section—postponing the times for the election, and first meeting, of the members of the General Assembly. [See address of the Council of safety to the inhabitants of Vermont, page 81.]

SECTION IX.

A quorum of the house of representatives shall consist of two thirds of the whole number of members elected; and having met and chosen their speaker, shall, each of them, before they proceed to business, take and subscribe, as well the oath of fidelity and allegiance herein after directed, as the following oath or affirmation, viz.

I ———— ———— do solemnly swear, by the ever living God, (or, I do solemnly affirm in the presence of Almighty God) that as a member of this assembly, I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the Constitution of this State; but will, in all things, conduct myself as a faithful, honest representative and guardian of the people, according to the best of my judgment and abilities.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.

I do believe in one God, the Creator and Governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the old and new testament to be given by divine inspiration, and own and profess the protestant religion.

And no further or other religious test shall ever, hereafter, be required of any civil officer or magistrate in this State.

SECTION X.

Delegates to represent this State in Congress shall be chosen, by ballot, by the future General Assembly, at their first meeting, and annually, forever afterward, as long as such representation shall be necessary. Any Delegate may be superceded, at any time, by the General Assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re-election for three years afterwards; and no person who holds any office in the gift of the Congress, shall, thereafter, be elected to represent this State in Congress.

SECTION XI.

If any town or towns shall neglect or refuse to elect and send representatives to the General Assembly, two thirds of the members of the towns, that do elect and send representatives, (provided they be a majority of the inhabited towns of the whole State) when met, shall have all the powers of the General Assembly, as fully and amply, as if the whole were present.

SECTION XII.

The doors of the house in which the representatives of the freemen of this State, shall sit, in General Assembly, shall be and remain open for the admission of all persons, who behave decently, except only, when the welfare of this State may require the doors to be shut.

SECTION XIII.

The votes and proceedings of the General Assembly shall be printed, weekly, during their sitting, with the yeas and nays, on any question, vote or resolution, where one third of the members require it; (except when the votes are taken by ballot) and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his votes upon the minutes, if he desire it.

SECTION XIV.

To the end that laws, before they are enacted, may be more maturely considered, and the inconveniency of hasty determination as much as possible prevented, all bills of public nature, shall be first laid before the Governor and Council, for their perusal and proposals of amendment, and shall be printed for the consideration of the people, before they are read in General Assembly, for the last time of debate and amendment; except temporary acts, which, after being laid before the Governor and Council, may (in case of sudden necessity) be passed into laws; and no other shall be passed into laws, until the next session of assembly. And for the more perfect satisfaction of the public, the reasons and motives for making such laws, shall be fully and clearly expressed and set forth in their preambles.

SECTION XV.

The style of the laws of this State shall be,—"Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the State of *Vermont*, in General Assembly met, and by the authority of the same."

SECTION XVI.

In order that the Freemen of this State might enjoy the benefit of election, as equally as may be, each town within this State, that consists, or may consist, of eighty taxable inhabitants, within one septenary or seven years, next after the establishing this constitution, may hold elections therein, and choose each, two representatives; and each other inhabited town in this State may, in like manner, choose each, one representative, to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each, one representative, forever thereafter.

SECTION XVII.

The Supreme Executive Council of this State, shall consist of a Governor, Lieutenant-Governor, and twelve persons, chosen in the following manner, viz. The Freemen of each town, shall, on the day of election for choosing representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the constable, who shall seal them up, and write on them, votes for the Governor, and deliver them to the representative chosen to attend the General Assembly; and, at the opening of the General Assembly, there shall be a committee appointed out of the Council, and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count, the votes for the Governor, and declare the person who has the major part of the votes, to be Governor, for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor.

The Lieutenant Governor and Treasurer, shall be chosen in the manner above directed; and each freeman shall give in twelve votes for twelve councillors, in the same manner; and the twelve highest in nomination shall serve for the ensuing year as Councillors.

The Council* that shall act in the recess of this Convention, shall supply the place of a Council for the next General Assembly, until the new Council be declared chosen. The Council shall meet annually, at the same time and place with the General Assembly; and every member of the Council shall be a Justice of the Peace for the whole State, by virtue of his office.

SECTION XVIII.

The Governor, and in his absence, the Lieutenant or Deputy Governor, with the Council—seven of whom shall be a quorum—shall have power to appoint and commissionate all officers, (except those who are appointed by the General Assembly,) agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled, in the time and manner directed by law or this constitution. They are to correspond with other States, and transact business with officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the General Assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the supreme court; and shall have power to grant pardons, and remit fines, in all cases whatsoever, except cases of impeachment, and in cases of treason and murder—shall have power to grant reprieves, but not to pardon, until the end of the next session of the Assembly: but there shall be no remission or mitigation of punishment, on impeachments, except by act of legislation. They are also, to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by General Assembly; and they may draw upon the Treasurer for such sums as may be appropriated by the House: they may also lay embargoes, or prohibit the exportation of any commodity for any time, not exceeding thirty days, in the recess of the House only: they may grant such licences as shall be directed by law, and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be commander in chief of the forces of the State; but shall not command in person, except advised thereto by the Council, and then, only as long as they shall approve thereof. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any Councillor may enter his dissent, with his reasons to support it.

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* The Council of Safety is here alluded to.

SECTION XIX.

All commissions shall be in the name of the freemen of the State of *Vermont*, sealed with the State seal, signed by the Governor, and in his absence, the Lieutenant Governor, and attested by the Secretary; which seal shall be kept by the Council.

SECTION XX.

Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal for mal-administration. All impeachments shall be before the Governor or Lieutenant Governor and Council, who shall hear and determine the same.

SECTION XXI.

The supreme court, and the several courts of common pleas of this State shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to perpetuating testimony, obtaining evidence from places not within this State, and the care of persons and estates of those who are *non compotes mentis*, and such other powers as may be found necessary by future General Assemblies, not inconsistent with this constitution.

SECTION XXII.

Trials shall be by jury; and it is recommended to the legislature of this State to provide by law, against every corruption or partiality in the choice, and return, or appointment, of juries.

SECTION XXIII.

All courts shall be open, and justice shall be impartially administered, without corruption or unnecessary delay; all their officers shall be paid an adequate, but moderate, compensation for their services; and if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

SECTION XXIV.

All prosecutions shall commence in the name and by the authority of the freemen of the State of *Vermont*, and all indictments shall conclude with these words, "against the peace and dignity of the same." The style of all process hereafter, in this State, shall be,—The State of *Vermont.*

SECTION XXV.

The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great.

SECTION XXVI.

Excessive bail shall not be exacted for bailable offences: and all fines shall be moderate.

SECTION XXVII.

That the General Assembly, when legally formed, shall appoint times and places for county elections, and at such times and places, the freemen in each county respectively, shall have the liberty of choosing the judges of inferior court of common pleas, sheriff, justices of the peace, and judges of probates, commissioned by the Governor and Council, during good behavior, removable by the General Assembly upon proof of mal-administration.

SECTION XXVIII.

That no person, shall be capable of holding any civil office, in this State, except he has acquired, and maintains a good moral character.

SECTION XXIX.

All elections, whether by the people or in General Assembly, shall be by ballot, free and voluntary: and any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as future laws shall direct. And any person who shall, directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall, thereby, be rendered incapable to serve for the ensuing year.

SECTION XXX.

All fines, licence money, fees and forfeitures, shall be paid, according to the direction hereafter to be made by the General Assembly.

SECTION XXXI.

All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns.

SECTION XXXII.

The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

SECTION XXXIII.

As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants; faction, contention, corruption and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature.

SECTION XXXIV.

The future legislature of this State, shall regulate entails, in such manner as to prevent perpetuties.

SECTION XXXV.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishments less necessary; houses ought to be provided for punishing, by hard labor, those who shall be convicted of crimes not capital; wherein the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons; and all persons, at proper times, shall be admitted to see the prisoners at their labor.

SECTION XXXVI.

Every officer, whether judicial, executive or military, in authority under this State, shall take the following oath or affirmation of allegiance, and general oath of office, before he enter on the execution of his office.

The Oath or Affirmation of Allegiance.

"*I ——— ——— do solemnly swear by the ever living God, (or affirm in presence of Almighty God,) that I will be true and faithful to the State of* Vermont; *and that I will not, directly or indirectly, do any act or thing, prejudicial or injurious, to the constitution or government thereof, as established by Convention.*"

The Oath or Affirmation of Office.

"*I ——— ——— do solemnly swear by the ever living God, (or affirm in presence of Almighty God) that I will faithfully execute the office of ——— for the ——— of ———; and will do equal right and justice to all men, to the best of my judgment and abilities, according to law.*"

SECTION XXXVII.

No public tax, custom or contribution shall be imposed upon, or paid by, the people of this State, except by a law for that purpose; and before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clear to the legislature to be of more service to the community than the money would be, if not collected; which being well observed, taxes can never be burthens.

SECTION XXXVIII.

Every foreigner of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land or other real estate; and after one years residence, shall be deemed a free denizen thereof, and intitled to all the rights of a natural born subject of this State; except that he shall not be capable of being elected a representative, until after two years residence.

SECTION XXXIX.

That the inhabitants of this State, shall have liberty to hunt and fowl, in seasonable times, on the lands they hold, and on other lands (not enclosed;) and, in like manner, to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly.

SECTION XL.

A school or schools shall be established in each town, by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town; making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this State, ought to be established by direction of the General Assembly.

SECTION XLI.

Laws for the encouragement of virtue and prevention of vice and immorality, shall be made and constantly kept in force; and provision shall be made for their due execution; and all religious societies or bodies of men, that have or may be hereafter united and incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they, in justice, ought to enjoy, under such regulations, as the General Assembly of this State shall direct.

SECTION XLII.

All field and staff officers, and commissioned officers of the army, and all general officers of the militia, shall be chosen by the General Assembly.

SECTION XLIII.

The declaration of rights is hereby declared to be a part of the Constitution of this State, and ought never to be violated, on any pretence whatsoever.

SECTION XLIV.

In order that the freedom of this Commonwealth may be preserved inviolate, forever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March, in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen—except they shall not be out of the Council or General Assembly—to be called the Council of Censors; who shall meet together, on the first Wednesday of June next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two thirds of the whole number elected shall agree; and whose duty it shall be to enquire whether the constitution has been preserved inviolate, in every part; and whether the legislative and executive branches of government have performed their duty as guardians of the people; or assumed to themselves, or exercised, other or greater powers, than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid and collected, in all parts of this Commonwealth—in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records: they shall have authority to pass public censures—to order impeachments, and to recommend to the legislature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective—explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

JOURNAL

OF THE

GENERAL ASSEMBLY OF THE STATE OF

VERMONT.

MARCH, 1778.

STATE OF VERMONT—*Windsor, Thursday, March* 12, 1778.

THE Representatives of the freemen of the several towns in this State, met at the meeting house in said Windsor, agreeable to the Constitution, and formed themselves into a House.*

The Assembly then chose Capt. JOSEPH BOWKER, Speaker of the House, and Major THOMAS CHANDLER, Clerk.

After the House was formed, the Reverend Mr. Powers preached a sermon on the occasion, from the 28th chapter of Matthew, 18th verse. Divine service being ended, proceeded, agreeable to the Constitution of this State, and chose a committee of twelve to receive, sort and count the votes for Governor, Deputy Governor, Treasurer, and twelve Councillors. Committee chosen, Col. Thomas Chittenden, Capt. Joseph Bowker, Col. Timothy Brownson, Capt. Ira Allen, Col. Peter Olcott, Col. Joseph Marsh, Deacon Benjamin Emmons, Doct. Jonas Fay, Doct. Paul Spooner, Major Thomas Chandler, Major Jeremiah Clark, and Col. Jacob Kent, and sworn to a faithful discharge of their trust.

Votes being called for a Governor, Col. THOMAS CHITTENDEN was elected, by a great majority of votes.

Votes for a Deputy Governor being called for, when there was no person chose by a majority of the suffrages of the freemen (by eleven votes;) then this Assembly, by ballot, made choice of Col. JOSEPH MARSH for Deputy Governor. After the choice was made, there was brought in fifteen votes for Col. Marsh, which, if they had come before, he would have been chosen, by a majority of the suffrages of the freemen, at large.

Votes for a Treasurer being called for, no person chose by a majority of suffrages of the freemen; when this Assembly, by ballot, made choice of IRA ALLEN, Esq. as Treasurer.

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* A list of the Representatives was not entered in the journal, and is not to be found.

Votes called for Councillors, when the following were chose, by the suffrages of the freemen, viz:

Joseph Bowker,
Jacob Bayley,
Jonas Fay,
Timothy Brownson,
Peter Olcott,
Paul Spooner,
Benjamin Carpenter,
Jeremiah Clark,
Ira Allen,
Thomas Moredock,
John Throop,
Benjamin Emmonds.

Assembly adjourned until to-morrow morning, eight o'clock.

Friday, March 13, 1778.

Assembly met according to adjournment.

Voted, that a committee of two be chosen, to return the thanks of this House to the Rev. Mr. Powers, for his sermon, preached at the opening of this present session, and desire a copy thereof, for the press. Committee chosen, Col. John Barret and Mr. John G Bailey.

Voted, that Nathan Clark, Esq. be, and is hereby, appointed Speaker, pro tempore.

Voted, that Ebenezer Curtis be, and is hereby, appointed Clerk, pro tempore.

Adjourned until two o'clock, afternoon.

Assembly met according to adjournment.

Voted, that Mr. Gideon Cowle be, and he is hereby, appointed to attend this House as a Constable.

Voted to accept John W. Dana, as a member of this House.

The Governor, Deputy Governor, Treasurer, and Council, sworn to their several offices.

Voted, that leave be given to any person to contribute to the Rev. Mr. Powers, for his services on the 12th March inst.

Voted, that the Hon. Joseph Bowker, Esq. be, and he is hereby, appointed to receive said contribution, and deliver the same to the Rev. Mr. Powers. Collected by said contribution, the sum of ten pounds, lawful money.

Voted, that Major Thomas Chandler be, and he is, appointed Secretary for this State, for the ensuing year—who accordingly took the necessary oaths, to qualify him for that office.

The Hon. Joseph Bowker, Esq. Speaker of this House, being chosen a Councillor: Voted that Nathan Clark, Esq. be, and is hereby, appointed Speaker of this Assembly, the present year; who was accordingly sworn.

Voted, that Benjamin Baldwin be, and he is hereby, appointed Clerk of this Assembly, for the present year; who was accordingly sworn to said office.

Voted, Mr Joshua Tuck have liberty to return home.

Voted, that Mr. Joshua Webb have leave of absence, until Tuesday next

Voted to choose a committee out of the Assembly and Council, to wait on the committee from the east side of Connecticut River:—committee chosen from the House, Col. Barrett, Capt. John Fassett, Doct. Reuben Jones, and Capt. Curtis; from the Council, Doct. Jonas Fay, Capt. Ira Allen, and Col. Peter Olcutt.

Assembly adjourned until eight o'clock, to-morrow morning.

Saturday, March 14, 1778.

Assembly met, according to adjournment.

Voted, that Doct. Reuben Jones be, and is hereby, appointed an assistant Clerk, to this Assembly.

Voted, that Doct. King be, and is hereby, appointed an assistant Clerk to this Assembly.

Voted, that Thomas Jewet, Deacon Edward Aikins, Thomas Rowley and Jacob Burton be a committee to draw up, or make, some rules for the regulation of this House.

Voted, that Moses Johnson be dismist this House.

Voted, that John W. Dana, Esq. have leave of absence until Tuesday next.

Voted, that Mr. Gallop have leave of absence, until Monday next.

Adjourned until two o'clock, afternoon.

Met according to adjournment.

Voted, that the Governor and Council, or a committee by them appointed, out of their number, to adjust the accounts between this State and the Rangers raised by them, and others that have been out, in defence of their country, belonging to this State, where any act of Convention or Council is pledged to them for their service; rendering an account to such auditor or auditors, as shall be appointed by this House for that purpose; and that an order be given to draw money out of the Treasury of this State, for that purpose.

Voted, that the petition of Capt. Leonard Spaulding be dismist, or flung out.

Voted, that Mr. Thomas Cooper have leave of absence, until Tuesday next.

Assembly adjourned until Monday next, eight o'clock in the forenoon.

Monday, March 16, 1778.

Assembly met, according to adjournment.

Voted, that the petition of Joseph Hatch and others, remain on file.

Voted, that the petition of Capt. Abner Seelye, lies upon file.

Voted, to send a request to his Excellency the Governor and Council, to prepare a bill, or draught of regulating the militia, and a mode for the defence of the frontiers, and measures to supply the Treasury of this State.

Voted, that a committee, to prepare a bill to regulate attornies, be appointed. Committee chosen, Capt. Coffin, Mr. Rowley, Ensign Harris, Mr. Alverd and Mr. Jewet be the committee to make said bill.

Voted to adjourn until two o'clock, afternoon.

Assembly met according to adjournment.

Assembly adjourned until to-morrow morning, eight o'clock.

Tuesday, March 17, 1778.

Assembly met according to adjournment.

Voted, that the petition of Mr. Ebenezer Hosington lie upon file, till some future opportunity.

Voted, that there be but two regiments in this State, on the west side of the range of Green Mountains, at present.

Voted, that the north line of Arlington and Sunderland, shall be the division line between the two regiments as aforesaid.

Voted, that the south regiment, on the east side of the mountains, extend north, to the south line of Rockingham, Tomlinson and Kent; that the second regiment extend north, to the south line of Norwich, and that the third regiment extend to Canada line, so called.

Voted, that the report of the committee, relative to providing attornies for the county courts, regulating their fees, &c. be accepted.

Voted, to accept the bill presented to the House of Representatives by his Excellency the Governor and Council, describing the boundaries of the county, on the west side of the mountains.

Voted, that the bill presented to this House by the Governor and Council, be altered, and, in the place of "New-Hampshire west line," insert the west bank of Connecticut River.

Voted, that Col. John Barrett, Mr. Thomas Rowley, Col. Jacob Kent, Lieut. Thomas Jewett, and Mr. Elijah Alverd, be a committee to appoint the several shire towns in this State.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted to accept the bill presented to this House by the Governor and Council, prescribing the boundaries of the county on the east side of the mountains, with the alteration as above.

Voted, that the County on the west side of the range of green mountains be, hereafter, styled and known, by the name of Bennington.

Voted, that the county, on the east side of the range of green mountains, be hereafter, styled and known by the name of Unity.

Voted, that there be four probate districts, in the county of Bennington.

Voted, that there be four probate districts, in the county of Unity.

Voted, that Mr. Brewster, Col. John Barrett, Col. Kent, Mr. Alverd and Lieut. Ormsby be a committee to draw the lines between the probate districts, and also, to appoint places for the representatives of each town to meet, to count the votes of the county elections.

Voted, to postpone acting any thing concerning filling up Col. Seth Warner's regiment, until to-morrow morning.

Mr. Ebenezer Hosington desired that the House of Representatives would give their opinion, whether they would act, or do, any thing, respecting some old iron, lately brought from Mount Independence, by enemical persons to the American cause, that fell into his hands by virtue of a commission of sequestration; which being put to vote, passed in the negative.

Voted that the county elections be held on the first Wednesday of June next.

Assembly adjourned until to-morrow morning, eight o'clock.

Wednesday, March 18, 1778.

Assemby met, according to adjournment.

The petition of Watts Hubbard, of Windsor, praying that he might be released from the confinement he some time had been subjected to, for enemical conduct; which being put to vote, was dismised, for the present.

The act for providing, altering, regulating and mending, highways, with the exceptions presented to this House by the Governor and Council, was put to vote, and passed in the negative.

Voted, that Nathan Clark, Esq. Capt. Curtice and Major Fletcher be a committee to prepare a bill for providing, altering, regulating, and mending, highways.

Voted, that Capt. John Fassett be Speaker, pro tempore.

Voted to accept the report of Committee appointed to prefix the lines of the probate districts.

Voted, that the proposals and preliminaries exhibited to this House by a committee representing a number of towns on the New-Hampshire Grants, east of Connecticut river, relative to forming a union between said Grants and this State, be laid before the people of this State, at large, for their consideration and determination.*

Assembly adjourned until three o'clock in the afternoon.

Assembly met, according to adjournment.

Voted, that the style of the Governor of this State be, His Excellency.

Voted, to concur with the Governor and Council, relative to the time and place, when and where to adjourn this Assembly, whenever they think proper to adjourn.

Voted to adjourn this House till eight o'clock to-morrow morning.

Thursday, March 19, 1778.

Assembly met, according to adjournment.

Voted, that the Council do take the express (sent from Capt. Sawyer in Clarendon) into consideration, and report thereon to this House.

Voted to give Mr. John Payne and others, specified in a petition, presented to this House by said Payne, the refusal of the land, as specified in said petition, with the restrictions, and on the proposals, therein mentioned.

Voted, to allow Lieut. Elisha Hawley, continental pay as a subaltern, fifteen days, for his services at Tyconderoga.

Voted, that the Treasurer be bound of ten thousand pounds, lawful money, with sufficient sureties.

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* See page 89.

Voted, to choose three men as a committee, to adjust all accounts under ten pounds.

Voted, that Col. John Barret, Capt. Ebenezer Curtiss and Col. Jacob Kent be the above committee.

Voted to accept the report of the committee, relative to prefixing the place for holding county elections.

Voted, that the several towns in this State shall meet, to give in their votes for judges of the inferior courts, judges of probate, high sheriff, &c. on the second Thursday of April next.

Voted, to send the order presented to this House, by the Governor and Council, to Captains Ebenezer Allen, Isaac Clark, and Thomas Sawyer.

Voted, that Mr. Thomas Tuttle be dismissed from this House, for the present, to forward the express to Capt. Ebenezer Allen, &c.

Voted, to dismiss Daniel Gilbert from this Assembly, for the present, for certain reasons, &c.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, that a committee be chosen to appoint a day for annual town meetings, for choosing town officers.

Voted, that Capt. Curtiss, Mr. Ebenezer Harris and Capt. John Fassett be a committe for the purposes aforesaid.

Voted, to petition the Governor and Council, whether they would do any thing relative to persons which have been to the enemy and have returned.

Assembly adjourned until to-morrow morning, eight o'clock.

Friday, March 20, 1778.

Assembly met, according to adjournment.

Voted the act of affirmation for Quakers.

Voted, to provide a surgeon for Captains Allen and Clark's companies.

Voted, that Doct. Jacob Ruback be the surgeon for the purpose aforesaid.

Voted, that those men that enlisted under Captains Allen and Clark, should have ten dollars as a bounty, in lieu of double rations.

Voted Col. Peter Olcutt trustee of the loan office.

Voted, to appoint one Brigadier General in this State.

Voted, Seth Warner, Esquire, be, and is hereby, appointed Brigadier General.

Voted, to appoint a Brigade Major for this State.

Voted, that Major Samuel Fletcher be, and is hereby, appointed a Brigade Major.

Voted, that the Representatives be allowed three dollars per day, from the time they left home until the House adjourns, and four pence per mile for horse travel.

Voted, that the Councillors be allowed the same wages as the Representatives.

Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, that the petition signed Reuben Jones, in behalf of himself and others, be received on file.

Voted, that Captain Gallop have leave of absence until to-morrow noon.

Voted, to appoint overseers to take care of the timber on the Governor's lots, and other lots that are not under the immediate care of the grantees, or any holding under them.

Voted, that Mr. Alverd, Ensign Harris and John Winchester Dany, Esq. be a committee to prepare a bill to lay before this House, for the preservation of timber, &c.

Voted, that the petition signed Jonathan Darby, lie upon file, for the present.

Voted, to give his Excellency the Governor, the sum of fifty pounds, as a salary, for the time since he came from home, until the next session of this Assembly.

The petition of John Barnes, John Newton and Benjamin Baldwin, relative to obtaining liberty to make a lottery, after being read and debated, was put to vote, and passed in the negative.

Voted, to grant the request of Mr. Moses Sage.

Voted, to take into consideration an act relating to tories.

Voted, to appoint five persons as a committee to prepare a bill relative to tories.

Voted, that Col. John Barrett, Lieut. Thomas Jewett, Major Samuel Fletcher, Mr. Elijah Alverd and Ensign Harris, be the above committee.

Passed the highway act.

Voted, that Lieut. Joseph Safford have leave of absence, on reasons offered to this House.

Assembly adjourned until to-morrow morning, eight o'clock.

Saturday, March 21, 1778.

Assembly met, according to adjournment.

Voted, to adjourn to Mr. Coles.

*Assembly met, according to adjournment, at Mr. Coles.

Voted, that it is the opinion of this Assembly, that the persons that collected arms at Hubbarton, the summer past, and delivered them to the Council of this State, be honorably rewarded, and not to be paid the full value of said arms.

Voted, that the first class of tories, described in the report of the committee concerning enemical persons in the town of Bennington, be committed to close confinement; that the second and third classes, mentioned in said report, be disposed of, by Capt. Samuel Robinson, (who is their overseer, for the time being,) taking the advice of any three members of this Assembly.

Voted, that Mr. Timothy Bartholomew have leave of absence, at four o'clock this afternoon, for certain reasons he mentioned.

The petition presented to this House by Benjamin Baldwin, in behalf of himself and the inhabitants of Mooretown, after being read and debated, was voted to receive the same on file.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

The petition of Nathan Clark, in behalf of himself and others, being read, was voted to be received on file.

Voted the recommendation relative to keeping the Lord's day and other religious duties, presented by Doct. Jones, in the affirmative.

Voted, that Col. Barret, Capt. Curtiss and Mr. Elijah Alverd, be a committee to inspect the bill from the Governor and Council, and report their opinion to this House.

A bill being presented to this House, by the Council, relative to raising men to fill up Col. Seth Warner's regiment; which, being read and debated, was put to vote, and passed in the negative.

A bill being presented to this House, by the Council, relative to establishing the common law as the law of this State; which, being read and debated, was put to vote, and passed in the affirmative.

Voted, to re-consider a vote passed this House, relative to naming the county on the east side of the Green Mountains, "Unity."

Voted, that the county on the east side of the Mountains, be, hereafter, called and known by the name of Cumberland.

The bill presented to this House, being read and debated, was put to vote, and passed in the affirmative.

Voted, that Doct. King have leave of absence.

Assembly adjourned until Monday next, eight o'clock in the morning, at the meeting-house.

Monday, March 23, 1778.

Assembly met, according to adjournment.

Voted, that Maj. Samuel Fletcher, Lieut. Thomas Jewett and Capt. John G. Bayley, be a committee to devise measures for the raising men to defend the frontiers of this State, either by filling up Col. Warner's regiment, or otherways.

Voted, that Capt. Jonathan Fassett and Deacon Edward Aiken be added to the foregoing committee.

Voted, to excuse and release Col. Olcott from being trustee of the loan office, the ensuing year.

Voted, to receive the petition of Abraham Jackson and others, on file, for future consideration.

Voted, that Capt. Thomas Rowley, Nathaniel Robinson, Esq. and Col. Jacob Kent, be a committee to prepare a bill for the purpose of preventing some individuals catching all the fish that pass and repass up and down White River, so called.

Voted, to accept the first paragraph of the list bill.
Voted, to accept the second do. do.
Voted, to accept the third do. do.
Voted, to accept the fourth do. do.
Voted, to accept the fifth do. do.
Voted, to accept the sixth do. do.
Voted, to accept the seventh do. do.
Voted, to accept the eighth do. do.

Voted, to accept the ninth do. do.
Voted, to accept the tenth do. do.
Voted, to accept the eleventh do. do.
Voted, to accept the twelfth do. do.
Voted, to accept the thirteenth do. do.
Voted, to accept the fourteenth do. do.
Voted, to accept the fifteenth do. without the amendment.
Voted, to accept the sixteenth do. do.
Doct. Reuben Jones dissentinent.
Voted, to accept the seventeenth do. do.
Voted, to accept the eighteenth do. do.
Voted, to accept the nineteenth do. do.
Doct. Jones and Capt. Cochran, dissentinents.
Voted, to accept the twentieth do. do.
Voted, to accept the twenty-first do. do.
Voted, to accept the twenty-second do. do.
Voted, to accept the twenty-third do. do.
Voted, to accept the twenty-fourth do. do.
Voted, to accept the twenty-fifth do. do.
Voted, to accept the twenty-sixth do. do.
Voted, to accept the twenty-seventh do. do.
Voted, to accept the twenty eighth do. do.

And that all bonds, notes and obligations on interest, clear of debt, with cash on hand, be taxed in like manner with other articles in this bill.

Assembly adjourned until three o'clock in the afternoon.

Assembly met, according to adjournment.

The report of the committee appointed out of this House, to devise measures for raising men to defend the frontiers, by filling up Col. Warner's regiment or otherwise; which, being read and amended, was put to vote, and passed in the affirmative.

A form of a proclamation for a fast, was presented to this House by the Secretary, and read,—was put to vote, and passed in the affirmative; the day was specified, the third Wednesday of April next.

Voted, that Capt. Curtiss, Capt. Fassett, Col. Barrett, Capt. John Smith and Mr. Alverd, be a committee to form a plan, prescribing in what manner, or what measures to take, to raise the men above mentioned.

A bill was presented to this House by the Council, relative to their paying the surgeons for dressing the wounds of the soldiers of this State, that was wounded in the Bennington action—being read and debated, was put to vote, and passed in the affirmative.

Assembly adjourned until to-morrow morning, eight o'clock.

Tuesday, March 24, 1778.

Assembly met, according to adjournment.

Voted, that the men voted to be raised by this State, yesterday, be annexed to Col. Seth Warner's regiment.

Voted, that the line between Bennington and Rutland shires, be the north line of Dorset and Tinmouth.

Voted, that the division line of the two shires on the east side of the mountains, be the ancient county line.

Voted, to accept of the bill presented to this House by the Council, relative to giving Capt. Gallop liberty to dispose of some tory land, on certain conditions therein mentioned.

Assembly made choice of Gen. Jacob Bailey, first judge, Mr. Jacob Burton, second, Mr. William Heaton, third, Mr. Reuben Foster, fourth, and Capt. John French, fifth, judges for the shire of Newbury;—Major John Shepherdson, first, Mr. Stephen Tilden, second, Hubbel Wells, Esq. third, Deacon Hezekiah Thomson, fourth, and Nathaniel Robinson, Esq. fifth, judges for the shire of Westminster;—Major Jeremiah Clark, first, Capt. Samuel Robinson, second, Lieut. Martin Powel, third, Capt. John Fassett, jun. fourth, and Lieut. Thomas Jewett, fifth, judges for the shire of Bennington,—and Joseph Bowker, Esq. first, Major Hebar Allen, second, Charles Brewster, third, Capt. John Starks, fourth, and Capt. Jonathan Fassett, fifth, judges for the shire of Rutland.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted the act for regulating town meetings.

Voted the act relative to catching fish in White River.

Voted, to submit the drawing the lines of defence, in the northern department, unto the Governor and Council.

Passed an act, specifying the lines of the probate districts.

Voted, that the fees of the court of probate, be three times as much as established in the Connecticut law.

Voted, that his honor, the Deputy Governor, have the same wages, per day, as a Councillor.

Voted, to accept the report of the committee relative to raising the troops in this State.

Voted, to postpone the county elections for the present.

Voted, that Capt. Curtis, Mr. Cephas Kent, and Ensign Harris, be a committee to form a bill, in what manner and form to elect the probate judges.

Voted, that Capt. John Smith and Capt. John Coughran, have leave of absence for the present.

Assembly adjourned until to-morrow morning, eight o'clock.

Wednesday, March 25, 1778.

Assembly met, according to adjournment.

Voted, to allow the Secretary of this State, three times as much fees, for all business that he does, or may perform, except for memorials or petitions to the General Assembly, and he shall not be entitled to more fees for the petitions to this Assembly, than what is specified in the Connecticut law.

Voted, to add to the soldiers' wages, that is to be raised according to a vote of this House, so much as to make their wages four pounds per month. Also, the same addition shall be made to all the soldiers that are already inlisted into Col. Warner's regiment, that do belong to this State, from the first day of May next, to the last day of November next.

Voted, to accept of the report of the committee relative to electing probate courts.

Passed the bill impowering the Governor and Council to confer with the commander in chief, and to draw such lines of defence as they shall judge proper.

Voted, to accept the report of the committee relative to raising men; the same to be laid before the Governor and Couucil.

Assembly adjourned, until two o'olock, afternoon.

Assembly met, according to adjournment.

Voted, to pass the militia bill, presented to this House by the Council, into an act of this Assembly.

Voted, Capt. Jonathan Fassett, Col. Barrett, Major Fletcher, Capt. Curtiss and Mr. Harvey, be a committee to look out the papers passed by this House, that ought to be copied, and compare the same.

Assembly adjourned, until to-morrow morning, six o'clock.

Thursday, March 26, 1778.

Assembly met, according to adjournment.

Voted, that the Governor and Council be, and are hereby, impowered to act respecting tory lands, as they shall judge proper or advantageous to this State, and do justice to the persons that owned said lands.

Voted, that the bill presented to this House by Lieut. Gov. Marsh, be postponed until the next session.

Voted, that Capt. John Fassett, Col. Barrett and Capt. Curtis, be a committee to adjust all the accounts of the Representatives, and make report.

Passed the bill impowering the Council to dispose of tory estates, and put the money into the treasury of this State.

Passed an act for the punishing high treason and other atrocious crimes, as said act stands in the Connecticut law book.

Passed an act against treacherous conspiracies, as said act stands in the Connecticut law book.

Voted, that Capt. Thomas Rowley, Capt. John Fassett, and Lieut. Gideon Ormsby, be a committee to copy such of the proceedings of this Assembly, as are necessary for the inhabitants to know, at present, and furnish each town in the county of Bennington, with one copy of each, as soon as may be.

Voted, that Capt. Curtiss, Doct. Amsden and Mr. Alexander Harvey, be a committee to copy such of the proceedings of this Assembly, as are necessary for the inhabitants to know, at present, and furnish each town in the county of Cumberland, with one copy of each, as soon as may be.

Voted, that Col. Barrett, Ensign Harris and Mr. Alverd, be a committee to make alterations in the marriage bill:—the above vote is reconsidered.

Voted, to accept of the report of the committee appointed to adjust the accounts of the representatives, sheriff, and constable, for this session.

Voted, that an order be given on the Treasury, to pay the representatives, &c. agreeable to said report.

Voted, that the sheriff and constable be allowed fifteen shillings per day, each, for their attendance.

Voted, that his Excellency the Governor and Council be impowered to choose a committee out of their own body, to prepare matters to be laid before this House, at their next session.

Voted, to adjourn this Assembly, until the first Thursday of June next, to meet at the house of Capt. Stephen Fay, of Bennington.

NATHAN CLARK, *Speaker.*

Attest, REUBEN JONES, *Assistant Clerk.*

JOURNAL, &c.

JUNE, 1778.

Thursday, June 4, 1778.

The General Assembly of the State of Vermont, met at Bennington, at the house of Capt. Stephen Fay, according to their adjournment from Windsor, the 26th of March last; and opened in form.

Voted, that Col. John Barret be, and is hereby, appointed Clerk, pro tempore.

Assembly adjourned, until to-morrow morning, eight o'clock, then to meet at the meeting-house.

Friday, June 5, 1778.

Assembly met, according to adjournment.

Voted, that the Rev. Mr. Dewey be presented with the compliments of this House, to desire him to pray with this Assembly, at their opening in the morning, for this present session.

Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, to accept the prayer of William Haviland's petition, and that a committee be appointed to examine into the premises contained in said petition, and make report to this House.

Voted, that Capt. John Fassett, Mr. John Burnham and Mr. Jonathan Waldo, be a committee for the above purpose.

Voted, that the petition of the inhabitants of Pownall, be taken into consideration, and that a committee be appointed to report their opinion concerning the same. Committee chosen,—Lieut. Jewett, Capt. John Fassett and Ensign Harris.

Voted, to take into consideration the difficulties attending the fishery in White River.

Voted, that the special courts appointed in the several shires in this State, are not deemed county courts, agreeable to an act[*] passed in this Assembly, at their session in March last, relating to fishing, &c.

Assembly adjourned, until to-morrow morning, eight o'clock.

Saturday, June 6, 1778.

Assembly met, according to adjournment.

Passed an act permitting gates to be erected on the Albany road, in Pownall.

Voted, that the petition presented to this House by David Redding,[†] be taken into consideration; and that a committee of five be appointed to prepare a bill, in consequence of said petition, &c. Comittee chosen, Mr. Webb, Mr. Alverd, Capt. John Fassett, Ensign Harris and Major Olin.

Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, that the petition of William Haviland be withdrawn.

Assembly adjourned, until next Monday morning, eight o'clock.

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[*] "*Within the meaning of an act*," will make this vote intelligible.

[†] It seems that David Redding had been convicted of "*enemical conduct*," and sentenced to be executed on the 4th day of June.

The curiosity which, not much to the honor of human nature, has ever been manifested on such occasions, was, on this, greatly heightened by the fact, that a public execution had never been witnessed in Vermont. To this curiosity, was added the strong feeling of indignation which *such* a crime was calculated to excite, at that period. Under the influence of these feelings, a vast multitude collected to witness the execution. In the mean time, however, the learned Council had discovered an important defect in the proceedings. Redding had been tried by a jury of *six* only; and it was very unfortunately discovered, that this was contrary to the common law of Great Britain, which required the verdict of twelve. Application was immediately made to the Governor and Council for a reprieve, until a new trial could be had The reprieve was granted[‡] at the moment the anxious throng were collecting to witness the execution.

With such a multitude, and on such an occasion, it was in vain to *reason*, or talk of the rights of Englishmen *They* had all pronounced the culprit guilty, and were not in a condition to understand upon what principle the verdict of the *whole community* could be set aside, with so little ceremony While they were agitated with mingled emotions of disappointment and indignation, ETHAN ALLEN, suddenly pressing through the crowd, ascended a *stump*, and waving his hat—exclaiming—"*attention the whole*"—proceeded to announce the reasons which produced the reprieve,—advised the multitude to depart peaceably to their habitations, and return on the day fixed for the execution, in the act of the Governor and Council;—adding, with an oath,—'You shall see somebody hung at all events, for if Redding is not then hung, I will be hung myself!"

Upon this assurance, the uproar ceased, and the multitude dispersed.

Redding was again tried on the 9th of June, and executed on the eleventh.

The foregoing anecdote has been often related to the editor by those who were eye witnesses of the scene; and accords too well with the spirit of the times, and the well known character of Ethan Allen, to leave a doubt of its authenticity.

[‡] See the act of the Governor and Council, page 239.

Monday, June 8, 1778.

Assembly met, according to adjournment.

Voted, that Col. John Barrett be, and is hereby, appointed an assistant Clerk.

Voted, to form a bill for the regulating the Sabbath, and that a committee of five be appointed for said purpose. Committee chosen,—Mr. Rowley, Capt. Curtis, Col. Strong, Mr. Alverd and Capt. Kent.

Voted, to keep the first day of the week as the Sabbath or Lord's day,—and that Mr. Wells, Mr. Harvey and Col. Barrett, be added to the above committee.

Voted, to give a premium for the destruction of wolves; and that a committee of three be appointed to prepare a bill to lay before this House for the purpose aforesaid. Committee chosen—Mr. Wells, Esq. Dana and Ensign Harris.

Adjourned until two o'clock, afternoon.

Assembly met, according to adjournment, and adjourned until eight o'clock, to-morrow morning.

Tuesday, June 9, 1778.

Assembly met according to adjournment.

Voted, that Mr. Elijah Alverd be, and he is hereby, appointed a monitor.

Voted, to receive Mr. Silas Hamilton's petition on file.

Voted, to take Mr. Haviland's petition into consideration, and that a committee of three be appointed, to look into the matters contained in said petition, and make report to this House. Committee chosen—Mr. Simeon Hathaway, Mr. Jonathan Waldo, and Capt. Samuel Robinson.

Voted, that Doct. Jacob Ruback's petition be taken into consideration.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment, and adjourned until to-morrow morning, eight o'clock.

Wednesday, June 10, 1778.

Assemby met, according to adjournment.

Voted, that Doct. Samuel King have leave of absence.

Voted, that there be a committee appointed to count the votes, or make a list of those towns that voted for the union.

Voted, that Col. Barret, Capt. Ira Allen and Col. Peter Olcott, be the committee, for the aforesaid purpose.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, to take a vote of the Assembly at eight o'clock, to-morrow morning, respecting the union.

Assembly adjourned until to-morrow morning, eight o'clock.

Thursday, June 11, 1778.

Assembly met, according to adjournment.

Voted, that the union takes place—thirty-seven in the affirmative and twelve in the negative, respecting the above union.*

Voted, that the bill presented to this House, in conjunction with the union, be accepted and pass.

Voted, that the request of General Stark, to raise a subaltern and twenty men, to guard the stores at Bennington, be complied with; and that a committee be appointed to agree with a subaltern for the aforesaid purpose. Committee chosen—Capt. John Fassett and Jonathan Fassett.

Voted, that their wages be four pounds per month.

Voted, that a committee of three be appointed to adjust Doct. Dickenson's account against this State. Committee chosen—Doct. Amsden, Capt. Curtiss and Capt. Rowley.

Assembly adjourned until five o'clock, afternoon.

Assembly met, according to adjournment.

Voted, that a committee of three be appointed to form a bill to lay before this House, relative to raising the men to guard the stores, &c. Committee chosen—Col. Barret, Ensign Harvey and Mr. Alexander Harvey.

Voted, to receive William Millen's petition into consideration.—Said petition is dismist.

Voted, to take into consideration the petition of Giles Alexander.

Voted, to take into consideration the petition of John Cannon; and that a committee be appointed to take into consideration the above petition, and report to this House. Committee chosen—Capt. Jonathan Fassett, Col. Strong and Capt. Rowley.

Voted, that a committee of five be appointed to look into the affair of Giles Alexader's petition. Committee chosen—Major Shepherdson, Col. Carpenter, Col. Samuel Fletcher, Capt. Samuel Robinson and Capt. Curtis.

Assembly adjourned, until eight o'clock, to-morrow morning.

Friday, June 12, 1778.

Assembly met, according to adjournment.

Voted, that a committee of three be appointed to draw instructions for the committe appointed to look into Giles Alexander's petition. Committee chosen—Maj. Olin, Col. Barrett and Mr. Alexander Harvey.

Voted, in the House of Assembly, with the advice of the Council, that one hundred men, out of Col. Beadle's regiment, be sent to guard the frontiers, the west side of the mountains.

Voted, that Col. Strong keep his seat in this House.

Voted, that Mr. Zadock Remington be dismist or expelled this House.

Voted, that Esq. Brewster be expelled or dismist this House.

Assembly adjourned, until two o'clock, afternoon.

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* See page 89, &c.

Assembly met according to adjournment.

Voted, to take Capt. Samuel Robinson's petition into consideration.

Voted, that Mr. Thomas Tuttle be expelled this House.

Voted, that Mr. Simeon Chandler retain or keep his seat in this House.

Voted, to take into consideration the petition of Col. Warren, and that a committee of three be appointed to look into said petition. Committee chosen - John Fassett, Esq. Doct. Amsden and Capt. Curtiss.

Voted, that Capt. Curtiss be a committee to wait on his Excellency, with Col. Warren's petitition.

Voted, that Capt. Smith's petition be taken into consideration, and that a committee of three be appointed to look into the prayer of said petition and report to this House. Committee chosen—Mr. Moses Robinson, Martin Powel, Esq. and Mr. Ebenezer Hurlburd.

Voted, to take Col. Ethan Allen's petition into consideration.

Assembly adjourned until eight o'clock, to-morrow morning.

Saturday, June 13, 1778.

Assembly met, according to adjournment.

Voted, that the committee appointed to look into the affair of Giles Alexander's petition, meet at Mr. Elijah Alverd's, in Wilmington, on the second Thursday of September next.

Capt. John Maston took his seat in this Assembly.

Voted, that a committee of five be appointed, to prepare a bill, relative to raising troops to guard the frontiers, and lay the same before this House. Committee chosen—Col. Barrett, Jonathan Fassett, Esq. John W. Dana, Esq. Capt. Curtiss and Capt. Thomas Rowley.

Voted, to take Joseph Marsh's petition into consideration.

Voted, that Col. Ethan Allen's petition be granted.

Voted, that Maj. Olin apply to the Governor and Council for directions, relative to the support of tory families, for the future.

Voted, that a committee of three be appointed, to prepare a bill to lay before this House, setting forth how the several towns shall be supplied with gun-powder, lead, flints, &c. Committee chosen—Capt. Rowley, Elijah Alverd and Col. Strong.

Mr. Washbourn and Everest have leave of absence, until Monday, eight o'clock.

Adjourned until two o'clock, afternoon.

Met according to adjournment.

Voted, that one sixth part of the militia, south of Danby and Pollet, be immediately sent to guard the frontiers of this State.

Voted, that a committee of three be appointed, to take Doct. Ruback's petition into consideration, and report to this House: Committee chosen - Mr. Webb, Capt. Curtiss and Maj. Olin.

Voted, that Capt. Jonathan Fassett have leave of absence, until Monday next,—and Capt. John Fassett have leave of absence, until Monday next.

Voted, to take Capt. Clark's petition into consideration, on Monday next, two o'clock, P. M.

Assembly adjourned until Monday next, eight o'clock in the forenoon.

Monday, June 15, 1778.

Assembly met, according to adjournment.

Capt. William Gallop took his seat in the House.

Capt. Edmond Hodges took his seat in the House.

Voted Matthew Hammon's petition be received on file.

Voted, that a committee of three be appointed, to draw instructions to the committee on the petition of Daniel Smith. Committee chosen—Capt. Rowley, Col. Strong and Mr. Jackson.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

According to a resolution of the 13th, took the petition of Captain Clark into consideration, and voted it in the negative.

Voted, to take the petition of the Reverend Doct. Wheelock into consideration.

Voted, to take the incorporated university of Dartmouth, under the patronage of this State.

Voted, that the Rev. Doct. Eleazar Wheelock, be appointed, and commissioned, as a justice of the peace, for said incorporated society.

Voted, that the trustees of Dartmouth College have power to choose or nominate, an assistant justice to the Rev. Eleazar Wheelock, D. D.

Voted, that a committee of three be appointed to revise the act against counterfeiting bills of credit, &c. Committee chosen—Col. Barrett, Capt. Curtiss and John Fassett, Esq.

Assembly adjourned until eight o'clock, to-morrow morning.

Tuesday, June 16, 1778.

Assembly met, according to adjournment.

Voted, that a committee of six be appointed to form a bill, relative to county elections, and make report to this House. Committee chosen—Mr. Webb, Ensign Harris, Capt. Rowley, Mr. Harvey, Capt. Hodges and Capt. Curtiss.

Voted, that a committee of five be appointed to prepare a bill to preserve all white pine timber in this State, fit for masting, &c. Committee chosen—Esq. Robinson, Capt. Kent, Col. Strong, Col. Barrett and Capt. Curtiss.

Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, to proceed in county elections, immediately.

Voted, that a committee of four be appointed to apply to the Governor and Council for direction and information, relative to Capt. Clark's petition. Committee chosen—Ensign Harris, Mr. Webb, Capt. John Fassett and Mr. Alverd.

Assembly adjourned until to-morrow morning, eight o'clock.

Wednesday, June 17, 1778.

Assembly met, according to adjournment, and adjourned until two o'clock, afternoon.

Assembly met according to adjournment.

Voted, that the following persons, viz:—John Shepherdson, Esquire, Stephen Tilden, Esq., Hezekiah Thomson, Esq., Col. Samuel Fletcher and Mr. Joshua Webb, be, and they are hereby, appointed judges of a special court, in the shire of Westminster.

Voted, that Deacon Smalley, Deacon John Burnet, William Heaton, Esq., Mr. Benjamin Baldwin and Reuben Foster, Esq., be, and they are hereby, appointed judges of a special court, for the shire of Newbury.

Voted, that Samuel Robinson, Esq., Martin Powell, Esq., John Fassett, Esq., Thomas Jewett, Esq. and Maj. Gideon Olin, be, and they are hereby, appointed judges of a special court, for the shire of Bennington.

Voted, that Thomas Rowley, Esq. Maj. Hebar Allen, Capt. John Starks, Capt. Jonathan Fassett and Theodus Curtiss, be, and they are hereby, appointed judges of a special court, for the shire of Rutland.

Voted, that a committee of three be appointed to confer with Mr. —— M'Connel, a wire drawer, and card maker, and make report what premium they shall judge ought to be given to said M'Connel, if he will set up, the above manufactory in this State. Committee chosen—Captain Rowley, Mr. Webb and John Fassett, Esq.

Voted, that a committee of three be appointed, to adjust the accounts of wounded men, &c. Committee chosen—Nathan Clark, Esq., Capt. Elijah Dewey and Simeon Hathaway, Esq., to join a committee from the Council.

Voted, that the Representatives be allowed the same wages as was allowed them, at their last session.

Voted, that a committee of three be appointed to adjust the Representatives' accounts. Committee chosen—Col. Barrett, Capt. John Fassett and Capt. Curtiss.

Voted, that Col. Ethan Allen, Nathan Clark, Esq., Mr. Joseph Bradley, Mr. Reuben Harmon and Joseph Fay, Esq. be the officers pursuant to Col. Ethan Allen's request.

Assembly adjourned until to-morrow morning, eight o'clock.

Thursday, June 18, 1778.

Assembly met according to adjournment.

Voted, that the petition, signed Joseph Bowker and others, be received on file, and to be taken into consideration, some future time.

Voted, that Col. Peter Olcutt, Bezaleel Woodward, Esq., Maj. Griswold, Patterson Piermont, Esq. and Maj. Tyler, be, and they are hereby, appointed judges of the superior court, for the banishment of tories, &c.

Voted, that a committee of three be appointed to prepare a form for a deed, &c. Committee chosen—Capt. Curtis, Capt. John Fassett and Col. Barrett.

Voted, to take Mr. Alverd's petition into consideration, and that a committee of three be appointed to look into the prayer of said petition.

Committee chosen—Captain Jonathan Fassett, Col. Strong and Mr. Chandler.

Voted, that a committee of five be appointed to report their opinion what shall be done with tory women and children, &c. Committee chosen—Mr. Moses Robinson, Capt. Gallop, Capt. Hodges, Mr. Alverd and Mr. Harvey.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

Voted, that the Representatives have three dollars per day, from the time they left home, and four pence per mile, for horse travel; and that the Councillors be allowed the same wages.

Voted, to raise twenty men to guard the frontiers from White River to Strafford and Corinth, to the lakes, &c.

Voted, that Capt. Hodges have the command of said guard, as a subaltern.

Voted, that four pounds per month, and forty shillings bounty, be allowed each soldier, above mentioned.

Voted, that Capt. Rowley take copies of the several acts of this Assembly, and furnish each town in the shire of Rutland with the same.

Voted, that Benjamin Fassett be, and hereby is, appointed clerk for the district of Bennington.

Voted Moses Robinson, clerk for the District of Manchester.

Voted, that the clerks for the several districts, take copies of the acts for the electing justices of the peace, and judges of probate.

Voted, that this Assembly be adjourned, and it is hereby adjourned, until his Excellency the Governor commands them to meet.

JOURNAL, &c.

OCTOBER, 1778.

STATE OF VERMONT—*Windsor, Thursday, Oct.* 8, 1778.

The Assembly being met, proceeded to choose a Clerk; when Bezaleel Woodward, Esq. was chose, and took the oaths required by the constitution, to qualify him for that office.

Attest, THO. CHANDLER, Jun. *Sec'y.*

Chose Thomas Chandler, Jun. Esq. Speaker; and he accordingly took the oaths required by the constitution to qualify him for that office.

Attest, BEZA. WOODWARD, *Clerk.*

The House then proceeded to examine the certificates of the members, whereby it appears that the following towns had duly appointed the per sons whose names are annexed to them, to represent them, in the General Assembly of this State, for the ensuing year, viz :—

Pownal,	Maj. Joseph Williams,
	Capt. Eli Noble.
Bennington,	Capt. John Fassett,
	Col. Eben. Walbridge.
Shaftsbury.	Maj. Gideon Olin,
	Mr. John Millington.
Arlington	John Fassett, Jun. Esq.
	Col. Ethan Allen.
Sandgate,	Mr. Reuben Thomas.
Sunderland,	Mr. Joseph Bradley.
Manchester,	Capt. Gideon Ormsby,
	Martin Powel, Esq.
Dorset,	Capt. Ab'm. Underhill.
Reuport,	Moses Robinson, Esq.
Pollet,	Mr. Gideon Adams.
Danby,	Thomas Rowley, Esq.
Wells,	Mr. Ithamir Hibbert.
Poltney,	William Ward, Esq.
Clarendon,	Lieut. Abner Lewis.
Wallingford	Mr. Abraham Jackson.
Rutland,	Capt. Zebulon Mead,
	Lieut. Roswel Post.
Castleton,	Jesse Belknap, Esq.
Pittsford,	Jonathan Fassett, Esq.
Neshobe,	Capt. Josiah Powers.
Cornwall,	Doct. Nathan Foot.
Guilford,	Capt. Comfort Starr.
	Capt. Levi Goodner.
Halifax,	Edward Harris, Esq.
	Hubbel Wells, Esq.
Whitingham	Lieut. Silas Hamilton.
Wilmington	Mr. Elijah Alverd.
Dummerston	Capt. Jona. Knights.
Townshend,	Col. Samuel Fletcher.
Putney,	Mr. Abner Miles.
Westminster	Nath'l Robinson, Esq.
Rockingham,	Doct. Reuben Jones,
	Joshua Webb, Esq.
Kent,	Deacon Edward Aikin,
Springfield,	Lieut. Samuel Scott.
Chester,	Maj. Thomas Chandler.
Weathersfield,	Capt. Wm. Upham.
Windsor,	Capt. Eben. Curtiss,
	Thomas Cooper, Esq.
Hertford,	Mr. William Gallop.
Woodstock,	Capt. Phineas Williams,
	Capt. John Strong.
Hartford,	Stephen Tilden, Esq.
Pomfret,	Capt. John Throop.
Bernard,	Capt. Edmond Hodges.
Sharon,	Mr. Benjamin Spalding.
Royalton,	Lieut. Jos. Parkhurst.
Thetford,	Timothy Bartholomew.
Strafford,	Mr. Frederick Smith.
Fairlee,	Ichabod Ormsby, Esq.
Moretown,	Mr. Benjamin Baldwin.
Corinth,	Mr. Joshua Nutting.
Newbury,	Col. Jacob Kent.
Lebanon,	Nehemiah Easterbrook
	Joshua Wheatley, Esq.
Enfield,	Bela Turner, Esq.
Dresden,	Beza. Woodward, Esq.
Hanover,	Jona. Freeman, Esq.
	David Woodward.
Canaan,	Thomas Baldwin, Esq.
Cardigan,	Col. Elisha Payne.
Oxford,	Col. Israel Morey.
Piermont,	Mr. Abner Chandler.
Haverhill,	Maj. James Bailey.
Gunthwaite,	John Young, Esq.
Landaff,	Mr. Nathaniel Rogers.
Norwich,	Mr. Abel Curtiss,
	Capt. Joseph Hatch.
Barnet,	Mr. Alex. Harvey.

A messenger was then sent from the House, to his Excellency the Governor, and the Honorable Council, that the Assembly were ready to attend divine service; which was accordingly attended at the meeting-house.

The Representatives present, then took the oaths required by the constitution, to qualify them to act as members of Assembly.

Chose Col. Payne, Col. Walbridge, John Fassett, Jun. Esq., Captain Curtiss, Capt. Young and Col. Fletcher, a committee to join a committee from the Council, in counting and sorting votes for Governor, Lieut.

Governor, twelve Councillors, and a Treasurer for this State, for the year ensuing; who were sworn by the Clerk to a faithful discharge of that trust.

The joint committee having sorted and counted the votes, declared the following persons chosen, viz:—

His Excellency, THOMAS CHITTENDEN, ESQ. *Governor.*
His Honor, JOSEPH MARSH, ESQ. *Lieutenant Governor.*

Hon. JOSEPH BOWKER,
JACOB BAYLEY,
PETER OLCOTT,
PAUL SPOONER,
TIMOTHY BROWNSON,
JONAS FAY,
BENJAMIN CARPENTER,
MOSES ROBINSON,
JEREMIAH CLARK,
IRA ALLEN,
THOMAS MOREDOCK,
ELISHA PAYNE, ESQUIRES,
Councillors.

IRA ALLEN, ESQUIRE, *Treasurer.*

Of all which, public proclamation was duly made, by the Sheriff.

Assembly then adjourned, till to-morrow morning, nine o'clock, then to be held at this place.

Friday, Oct. 9.

Assembly met, according to adjournment.

Voted, and resolved, that every person is required by the constitution to renew the oath of allegiance, as well as the oath of office, on every new appointment, before he enters on the execution of his office.

Chose Col. Payne, Mr. Freeman and John Fassett, Jun. Esq. a committee to make a draft of rules and orders, necessary for the regulation of the Assembly.

Assembly adjourned, until two o'clock, afternoon.

Two o'clock, P. M.

Assembly met, according to adjournment.

Chose Joseph Fay, Esquire, Secretary of this State, the year ensuing.

Voted, and resolved, that Jonathan Freeman, Esq. and Capt. David Woodward, be a committee to wait on the Reverend Eden Boroughs, and return him the thanks of this Assembly, for the sermon delivered by him to them, yesterday; and that they desire a copy thereof, for the press.

Voted, and resolved, that Mr. Woodward and Col. Morey, be a committee to procure three hundred copies of the above mentioned sermon printed at the expense of this State.

Voted, and resolved, that Thursday, the twenty-sixth day of November next, be observed as a day of public and solemn Thanksgiving to Almighty God, for his manifold mercies; and that his Excellency the Governor be desired to issue his proclamation therefor.

Voted, and resolved, that Capt. G. Ormsbee, Col. Morey and Col. Walbridge, be a committee to take into consideration the case of Wm. Moor, who stands bound to this Assembly: and that they report measures proper to be taken thereon.

Assembly adjourned, until to-morrow morning, eight o'clock.

Saturday Morning, 8 o'clock.

Assembly met, according to adjournment.

On the motion of Col. Olcott, in behalf of the town of Norwich,—

Voted, and resolved, that an order be issued by the clerk to the freemen of the town of Norwich, to choose two members, to act in General Assembly, in lieu of the two members they chose on the first Tuesday in September, who are elected Councillors, and accepted thereof, and are, thereby, disqualified from acting as members of this Assembly; and that the constable of Norwich be directed, forthwith, to warn a meeting of said freemen, for that purpose; giving notice four days before the time of holding the meeting.

Voted, and resolved, that Judah Paddock and Alden Spooner be, and are hereby, appointed printers for the General Assembly of this State.

Voted, and resolved, that Col. Payne, Doct. Jones and Capt. Wheatly, be a committee to draught a letter to the Honorable President and Council of New-Hampshire, informing them that this Assembly are possessed of a letter to his Excellency Gov. Chittenden, of the 22d of August last, from the said President:* and of hostilities in the town of Enfield; and to request that they use measures to prevent them, in future.

Assembly adjourned, until next Monday morning, eight o'clock.

Monday, 12th Oct. 8 o'clock.

Assembly met, according to adjournment.

Voted, and resolved, that Abel Spencer's petition for two eleven acre lots of land in Clarenden, be granted, and that Col. Claghorne, commissioner of the sale of confiscated lands in said Clarenden, be directed to give said Abel Spencer a deed of the lots before mentioned, in the name and behalf of the freemen of the State.

Assembly adjourned, until two o'clock, afternoon.

Two o'clock, P. M.

Assembly met, according to adjournment.

Voted, and resolved, that his Excellency the Governor, and the Honorable the Council, be desired to join with this Assembly in a committee of the whole, to-morrow morning, at nine o'clock, to take into consideration the subject of the letter of the 22d August last, from the Hon. Meshech Weare, Esq. President of the Council of New-Hampshire, to his Excellency Governor Chittenden.

Granted the widow Anna Hurd's petition to have the use of her late husband's farm, free of rent, during the pleasure of this Assembly.

Granted the petition of Joseph Tyler, Esq. for the sum of eleven pounds, twelve shillings, expense in curing wounds he received in the battle at Bennington.

Voted, and resolved, that John Fassett, Jun. Esq., Capt. Curtiss and Doct. Foot, be a committee to take into consideration sundry accounts, exhibited for articles lost in public service, by sundry persons, last year.

The committee appointed on the 10th instant, to draught a letter to the Honorable President and Council of New-Hampshire, made their report, as on file; which was read approved.

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* For this letter, see page 91.

Voted, and resolved, to allow the Secretary, twenty-one shillings per day, during his actual service, in that office, since last March, in lieu of all other reward he may have been entitled to, by virtue of any act, vote, or resolution, which has, heretofore, been passed by the General Assembly of this State.

Voted, and resolved, that Capt. Wheatly and Mr. Powel be a committee to join one or more from the Council, to adjust accounts with the Treasurer for the year past; and that they report the state of them to this Assembly.

Assembly adjourned until to-morrow morning, eight o'clock.

Tuesday, Oct. 13.

Assembly met, according to adjournment.

Voted, and resolved, that Mr. Hibbert, Mr. Robinson and Mr. Adams be a committee, to take into consideration the petition of Israel Burritt, of the 8th instant, and report thereon to this Assembly, at their next session.

Voted, and resolved, that Doct. Jones, Capt. Jonathan Fassett and Capt. Turner, be a committee to take the petition of Eunice Cook, of the 5th instant, into consideration, and report thereon.

Assembly adjourned until two o'clock, afternoon.

Two o'clock, P. M.

Assembly met, according to adjournment.

Resolved, that this Assembly now join his Excellency the Governor, and the Honorable Council, in a committee of the whole, to take into consideration the matters contained in the letter of the 22d August last, from the Honorable Meshech Weare, Esq. President of the Council of New-Hampshire, to his Excellency Governor Chittenden, and every matter which may relate to the subject therein contained; and that they report thereon, to this Assembly.

Assembly adjourned until to-morrow morning, eight o'clock.

Wednesday, Oct. 14.

Assemby met, according to adjournment, and joined the Governor and Council, in committee of the whole, on the subject entered upon yesterday.

Assembly adjourned until two o'clock, afternoon.

Two o'clock, P. M.

Assembly met, according to adjournment.

Pursuant to an order from the Clerk of this Assembly, to the town of Norwich, last Saturday, the constable of said town makes return of Mr. Abel Curtiss and Capt. Joseph Hatch, chosen agreeable to said order, to represent them in this Assembly; who were sworn, and took their seats in the House.

Assembly then joined the Governor and Council, in committee of the whole, on the same subject as heretofore.

Assembly adjourned until eight o'clock, to-morrow morning.

Thursday, Oct. 15, 1778.

Assembly met, according to adjournment, and continued in committee of the whole, on the same subject.

Adjourned until two o'clock, afternoon.

Two o'clock, P. M.

Assembly met according to adjournment.

The committee appointed the 12th instant, on the petition of Eunice Cook, made report as on file; which was read and approved. Ordered, that a bill, in form, be brought in, accordingly; which was done and passed.

The committee appointed last June, to take into consideration the petition of Nicholas Turner, made report, as on file; which was read and approved, and ordered that a bill, in form, be accordingly brought in, relative thereto; which was brought in and passed.

Assembly adjourned, until eight o'clock, to-morrow morning.

Friday, Oct. 16, 1778.

Assembly met, according to adjournment.

Resolved, that Capt. G. Ormsbee, Col. Morey and Col. Walbridge, be a committee to join a committee from the Council, to take into consideration the cases of persons on whom judgment has been passed by the special courts of commissioners, appointed last June, for hearing and judging of treasonable conspiracies, &c. and that they report thereon to this Assembly.

Resolved, that Capt. Hodges, Mr. Powell and Capt. Jonathan Fassett, be a committee to take into consideration the circumstances of the soldiery who have been raised under this State, and make report to this House.

Assembly adjourned until two o'clock, afternoon.

Two o'clock, P. M.

Assembly met, according to adjournment, and proceeded on the business of the committee of the whole.

Assembly adjourned until to-morrow morning, eight o'clock.

Saturday, Oct. 17, 1778.

Assembly met, according to adjournment, and proceeded on the business of the committee of the whole.

Assembly resumed the matters before them, and chose Mr. Abel Curtiss, Clerk, pro tempore.

Upon the petition of Lemuel White, praying for a re-hearing in a case of felony, &c. as by said petition, bearing date, Oct. 7, 1778, on file, may appear:—Therefore,

Resolved, that a court be appointed, for the above purpose; and that a bill, in form, be brought in.

Appointed Capt. David Woodward to join a committee, appointed yesterday, in room of Col. Morey who is absent, for the purpose as is, in said resolve specified.

The petition of William Williams, Gideon Granger, &c. bearing date Oct. 9, 1778, being brought in and read—praying that a road be repaired through Wilmington, &c.—therefore,

Resolved, to grant the said memorialists the request therein specified, as on file may appear; and that a bill, in form, be brought into this House.

Adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment, and adjourned until Monday next, at nine o'clock in the forenoon.

Monday, Oct. 19, 1778.

Assembly met, according to adjournment.

Adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

At which time the joint committee of Governor, Lieut. Governor, Council and Assembly made their report, as on file may appear; and the consideration thereof deferred until to-morrow.

Resolved, that all the non-commissioned officers and soldiers, belonging to this State, which have been, or may be, raised for the defence thereof, for the present campaign, shall be entitled to fifty shillings per month, in addition to the sums established by the continental Congress, to be allowed as wages in such cases.

Adjourned until to-morrow morning, eight o'clock.

Tuesday, Oct. 20, 1778.

Assembly met according to adjournment.

The report of the joint committee of Governor, Lieut. Governor, Council and Representatives, made yesterday, to this Assembly, was read and approved—And thereupon,

Resolved, that the first and second articles in the report of measures proposed by the joint committee,* be transmitted to the President of the Hon. Continental Congress, and to the President of the Council of New-Hampshire, with proper letters accompanying them.

Resolved, that Col. Payne, Mr. Jones and Mr. Woodward, be a committee to join a committee from the Council, to make a draught of the above mentioned letters, to be laid before this Assembly.

Resolved, that a committee be chosen, by ballot, to draw up the proposed declaration, at large, to be laid before this Assembly. Chose Col. Allen, Col. Payne, Doct. Fay, Mr. Woodward and Gen. Bayley, a committee for the above purpose.

Resolved, that the two first articles in the report of measures proposed to be pursued for the establishment of the State, be printed, in handbills, and transmitted to all the towns on the New-Hampshire Grants.

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* See page 95-6.

Resolved, that this Assembly have no cognizance of the matters contained in the petition of Giles Alexander, &c. dated June 9, 1778; and that it be accordingly dismissed.

Resolved, that two loan offices be established in the State, viz. one on each side of the mountains.

Chose Ira Allen, Esq. trustee of the loan office, on the west side of the mountains, and Paul Spooner, Esq. trustee of the loan office on the east side of the mountains, for the year ensuing.

Resolved, that the committee appointed on the 12th inst. to settle with Ira Allen, Esq. as Treasurer of this State, for the year past, be, and are hereby, impowered and directed to settle with him, as a trustee of the loan office, in this State, for the year past; and that they report the state of accounts of said office, to this Assembly.

Adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

The petition of Edward Aikin and other inhabitants of Kent, bearing date the 8th instant, was read; whereupon,

Resolved, that Major Chandler, Col. Fletcher and Doct. Jones, be, and are hereby, appointed a committee, to examine into the facts alledged in said petition, and report the same to this Assembly, at their next session.

An act prohibiting the exportation of provisions, till the first day of August next, passed.

An act for authenticating deeds and conveyances, passed.

Resolved, that Mr. Nathaniel Robinson, Col. Payne, Mr. Woodward, Capt. John Fassett, Jun. Mr. Post, Capt. Throop, Capt. Curtiss, Major Bailey and Mr. Wells, be a committee to join a committee from the Council, to draw a bill to be laid before this Assembly, for dividing the State into four counties.

Resolved, that Mr. Powell, Capt. Turner and Mr. Webb, be a committee to join a committee from the Council, to draw a bill for the establishment of fees, fines and penalties, having respect therein, to the present state of the currency.

An act concerning the payment and disposal of fees, fines and penalties, passed.

Assembly adjourned, until to-morrow morning, eight o'clock.

Wednesday, Oct. 21, 1778.

Assembly met, according to adjournment.

[For the proceedings of this day, the reader is referred to pages 97, 98 and 99, of this collection.]

Thursday, Oct. 22, 1778.

Assembly met, according to adjournment.

Resolved, to revive "an act for securing the general privileges of the freemen of the State of Vermont,"—"an act relating to the abatement and amendment of writs, reversal of judgment, &c." and an act for framing and regulating the militia; and for the encouragement of military skill, for the better defence of this State.

A protest* and declaration was entered by the Deputy Governor, two assistants, and twenty-five members of Assembly, against the proceedings of Assembly, yesterday, and withdrew.

Assembly adjourned until two o'clock, afternoon.

Assembly met, according to adjournment.

Resolved, that the wages of the Councillors and Representatives, for the present session, be twenty-seven shillings, per day, and a horse, one shilling per mile.

Resolved, that the members present proceed to business, being a quorum.

N. B. The members present, at passing this resolve, were,

Major THOMAS CHANDLER, *Speaker*,

Capt. Eli Noble,
Capt. John Fassett,
Col. Eben. Walbridge,
Mr. John Milington,
Capt. John Fassett, Jr.
Mr. Reuben Thomas,
Mr. Joseph Bradley,
Capt. Gideon Ormsby,
Mr. Martin Powell,
Capt. Ab'm. Underhill,
Mr. Moses Robinson,
Mr. Gideon Adams,
Mr. Thomas Rowley,
Mr. William Ward,
Mr. Abner Lewis,
Mr. Ab'm. Jackson,
Mr. Roswell Post,
Mr. Jesse Belknap,
Capt. Jona. Fassett,
Capt. Josiah Powers,
Doct. Nathan Foot,
Capt. Comfort Starr,
Mr. Hubbel Wells,
Mr. Silas Hamlinton,
Capt. Jona. Knight,
Col. Samuel Fletcher,
Mr. Joshua Webb,
Mr. Samuel Scott,
Capt. Eben. Curtiss,
Mr. William Gallup,
Capt. Phineas Williams,
Capt. John Throop,
Capt. Edmund Hodges,
Mr. Edward Aikins,
Mr. Edward Harris,
Mr. Abner Miles,
Mr. Thomas Cooper,
Mr. Benj. Spalding,
Mr. Tim. Bartholomew,
Mr. Nath'l. Robinson.

Resolved, that Mr. Rowley be appointed to join the committee appointed the 20th inst. to draw a bill for the establishment of fees, fines and penalties, in the room of Capt. Turner who is withdrawn.

Assembly adjourned, until eight o'clock, to-morrow morning.

Friday, Oct. 23, 1778.

Assembly met, according to adjournment.

Chose Martin Powell, Esq. Clerk of this Assembly, in the room of Bezaleel Woodward, Esq. resigned;—who was accordingly sworn to a faithful discharge of that trust.

Attest, BEZA. WOODWARD, *Clerk.*

STATE OF VERMONT, ss.—*Windsor, Oct.* 23, 1778.

The foregoing is a true journal of the proceedings of the General Assembly of said State, from the first of the present session, to this day.

Attest, BEZA. WOODWARD, *Clerk.*

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* For this protest, see page 100.

Resolved, that there be a superior court appointed in this State, consisting of five judges.

Resolved, that Bezaleel Woodward, Esq. be allowed fifteen dollars for his service, as clerk to this Assembly, exclusive of his attendance as a member, fifteen days.

Resolved, that the Hon. Moses Robinson, Esq. be, and is hereby, appointed chief-judge of the superior court, and Maj. John Shepherdson, second, John Fassett, Jun. third, Major Thomas Chandler, fourth, and John Throop, Esq. fifth, judges of said court.

Assembly adjourned until two o'clock in the afternoon.

Assembly met, according to adjournment.

Resolved, that the superior court sit four times in a year, viz; at the meeting-house in Bennington, in the shire of Bennington, on the second Thursday of December, next; at the court-house in Westminster, in the shire of Cumberland, the second Thursday of March, next; at the house of Col. James Meads in Rutland, in the shire of Rutland, on the ——— ———; and at Newbury, in the shire of Newbury, on the second Thursday of September, next.

Resolved, that the superior court do not sit longer, at one sitting, than one week.

Resolved, that all the bills, passed the two sessions preceding this, (except the act forming the special court, and the act respecting banishment) be revived until the next session of this Assembly.

Resolved, that Col. Ebenezer Walbridge be, and is hereby, appointed an assistant Clerk to this Assembly.

Resolved, that a committee of three, be appointed to prepare a bill to impower towns, that are not represented, according to constitution, to choose a representative or representatives before the next session of Assembly. Committee chosen—Mr. Rowley, Edward Harris, Esq. and Doct. Nathan Foot.

Resolved, that the Councillors and Representatives be allowed one pound, four shillings, per day, and one shilling per mile for a horse; any previous resolve to the contrary notwithstanding.

Resolved, that John Fassett, Jun. Esq. Col. Ebenezer Walbridge, and Capt. Ebenezer Curtiss, be a committee to make up a debenture.

Resolved, that a committee of three be appointed to make draught of letters to send to Congress, and New-Hampshire. Committee chosen—Col. Allen, Col. Fletcher and Capt. Throop.

Resolved, that the Representatives of this Assembly lay before their constituents the circumstances of the union subsisting between sixteen towns, on the east side of Connecticut river and the former State of Vermont, and to be instructed by them to act accordingly.

Assembly adjourned until eight o'clock, to-morrow morning.

Saturday, Oct. 24, 1778.

Assembly met, according to adjournment.

Resolved, that a committee of three, to join a committee from the Council, be appointed to prefix the Governor's salary for the year ensuing. Committee chosen—Mr. Jona. Fassett, Mr. Joshua Webb and Mr. Wells.

Resolved, that a committee of three be appointed, to prepare a bill, respecting the freedom of slaves, agreeable to the bill of rights. Committee chosen—Mr. Harris, Mr. Rowley and Mr. Cooper.

Resolved, that the justices of the peace, whose names are returned to the Governor, or that shall be, hereafter, returned, shall be commissioned for the year ensuing.

A table of fees passed the House.

Resolved, that his Excellency the Governor's salary, for the year ensuing, be three hundred pounds, lawful money.

Assembly adjourned, until two o'clock, afternoon.

Assembly met, according to adjournment.

Resolved, that a committee of two, to join a committee from the Council, be appointed, to prepare the acts passed at the former sessions, and likewise the present session, for the press, and get them printed. Committee chosen—Capt. Ebenezer Curtiss and Col. John Barrett.

A resolve passed for to make a road from Wilmington to Bennington.

Resolved, that a committee of six be appointed to choose five hundred and ninety-six proprietors to share in a large tract of land, specified in a petition of Col. Ethan Allen, Col. Samuel Herrick and Jonas Fay, Esquire. Committee chosen—Col. Ethan Allen, Joseph Bradley, Esq., John Fassett, Esq. Doct. Reuben Jones, Major Thomas Chandler and Capt. John Throop.

Resolved, that Col. Ethan Allen be, and is hereby, an agent to go to the Honorable the Congress, when the Governor and Council shall judge necessary.

Resolved, that the next session of this Assembly be held on the second Thursday of February next, at Bennington meeting-house.

LAWS OF VERMONT.

LAWS

PASSED AT THE SESSION OF ASSEMBLY

HOLDEN AT

BENNINGTON, FEBRUARY 11,

A. D. 1779.*

AN ACT for securing the general privileges of the people, and establishing common law and the constitution, as part of the laws of this State.

FORASMUCH as the free fruition of such liberties and privileges as humanity, civility, and christianity call for, as due to every man, in his place and proportion, without impeachment and infringement, hath been, and ever will be, the tranquility and stability of churches and commonwealths; and the denial or deprival thereof, the disturbance, if not ruin of both:

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no man's life shall be taken away; no man's honor or good name stained; no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished; no man shall be deprived of his wife or children; no man's goods or estates shall be taken away from him, nor any ways indamaged, under colour of law, or countenance of authority; unless it be by virtue of some express law of this State, warranting the same, established by the General Assembly; or, in case of the defect of such law, in any particular case, by some plain rule, warranted by the Word of God.

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* Much exertion has been made to obtain a copy of the laws of 1778, --but without effect. They were published towards the close of that year, in a pamphlet form, but were never recorded in the Secretary's office. No records appear to have been made in that office until the year 1779; when the Constitution, and the laws of that year were recorded. The laws of 1778, were probably declared to be *temporary*—as were the laws of several succeeding years—and ceased to have effect before any records were made. Some of them, indeed, were, obviously, designed to answer a temporary purpose only,—such as the acts, enacting certain laws "*as they stood on the Connecticut law book;*"—and all appear, so far as we can learn from the journals of the legislature, to have possessed the character of mere temporary regulations, rather than permanent laws. Some of them were probably re-enacted, in substance, in the year 1779, and incorporated in the general code of that year. These considerations may explain the extraordinary fact that the recording of those laws was purposely omitted. It is indeed a subject of regret that any cause should have been thought sufficient to justify a neglect, by which the *first essay* at legislation, by the government of Vermont, has been lost to succeeding generations.

That all the people of the American States, within this State, whether they be inhabitants or not, shall enjoy the same justice and law that is general for this State, in all cases proper for the cognizance of the civil authority and courts of judicature, in the same, and that without partiality or delay; and that no man's person shall be restrained or imprisoned, by any authority whatever, before the law hath sentenced him thereto, if he can and will put in sufficient security, bail, or mainprize, for his appearance, and good behaviour, in the mean time; unless it be for capital crimes, contempt in open court, or in such cases wherein some express law doth allow of, or order the same.

Be it further enacted by the authority aforesaid, that common law, as it is generally practised and understood in the New-England States, be, and is hereby established as the common law of this State.

Be it further enacted by the authority aforesaid, that the constitution of this State, as established by general convention held at Windsor, July and December, 1777, together with, and agreeable to, such alterations and additions as shall be made in such constitution, agreeable to the 44th section in the plan of government, shall be forever considered, held, and maintained, as part of the laws of this State.*

AN ACT directing Justices of the Peace in their office and duty.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that, on complaint made to any of the justices of the peace within this State, of any breach of law, committed in the county where such Justice lives, he shall grant out his writ, warrant, or summons (as the nature of the case may require) requiring the appearance of the person so complained of, before him; who shall duly examine into the matter, (the delinquent being present,) and if, upon examination, such Justice does find the matter in demand, or fine, to exceed twenty pounds, or corporal punishment due to the crime with which the party complained of, is charged, to exceed ten lashes; then such Justice shall bind such offender in recognizance, or send him, by mittimus, to goal, as he shall find convenient or necessary, to appear before the next superior or county court, and be dealt with as the law directs.

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* The Constitution, if it was any thing, was, already, the fundamental law of the State, possessing authority, necessarily paramount to any act of the legislature,—the very charter, indeed, of its existence, and by which alone, it was invested with power to legislate at all;—and yet we here find the legislature gravely attempting to give to this instrument *the force of law!*

A recurrence to the history of the Constitution will explain this singular proceeding. We have before suggested, [see note, page 241,] that it was never sanctioned by the people, but went into operation as it came from the hands of the convention, and was submitted to, rather from necessity than choice. The truth of that suggestion is fully confirmed by this attempt to *legalize* the Constitution; and we are irresistibly led to the conclusion that it was considered a mere nullity by the statesmen of that period.

That, in case the Justice shall, upon such examination, find the matter in demand, or fine, does not exceed twenty pounds, or corporal punishment due for such offence as the offender is charged with, does not exceed ten lashes, and title of land is not concerned, such Justice, with the advice and assistance of one or two other assistants or Justices, shall proceed and try such action, and award sentence and execution accordingly.

And in case the Justice does find the matter in demand, or fine, does not exceed ten pounds, or corporal punishment as aforesaid, does not exceed ten lashes, and title of land is not concerned, as aforesaid, such Justice may and shall have a right to try such action, and award sentence and execution accordingly.

Always provided, that such cases shall be tried by jury, if either party require it; of which such Justice or Justices shall always give information to the parties, before they proceed to trial.

Which jury shall be six freemen of the neighborhood, qualified, impannelled and sworn, who shall find the matter in issue, with damages, according to law and evidence; and the Justice or Justices, thereon shall make and declare sentence.

AN ACT concerning abatement and amendment of Writs, Judgments, &c.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that all writs, processes, declarations, indictments, pleas, answers, replications, and entries in the several courts of justice within this State, shall be in the English tongue, and no other.

And that no summons, process, writ, warrant, or other proceedings in court or course of justice, shall be abated, arrested, or reversed, for any kind of circumstantial error or mistake, where the parties and the cause may be rightly understood and intended by the court; or through defect, or want of form only; and the judges, or justice, on motion made in court, may order amendment thereof.

AN ACT against, and for the punishment of Adultery.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that whosoever shall commit adultery with a married woman, or one betrothed to another man, both of them shall be severely punished by whipping on the naked body, not exceeding thirty-nine stripes, and stigmatized, or burnt on the forehead with the letter A, on a hot iron; and each of them shall wear the capital letter A, on the back of their outside garment, of a different colour, in fair view, during their abode in this State. And as often as such convicted person shall be seen without such letter, and be thereof convicted before an assistant or justice of the peace in this State, shall be whipt on the naked body, not exceeding ten stripes.

AN ACT against Polygamy.

Whereas, the violation of the marriage covenant is contrary to the command of God, and destructive to families:

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in Genenal Assembly met, and by the authority of the same, that if any person or persons in this State, being married, or who shall hereafter marry, do, at any time, presume to marry any other person, the former or other husband or wife being alive, and not by law divorced; or shall continue to live together, so married; that then, every such offender shall suffer and be punished as in case of adultery; and such marriage shall be, and is hereby declared to be, null and void—which offenders shall be tried in the county where they shall be apprehended.

AN ACT for the punishment of lascivious carriage and behaviour.

For the preventing of lascivious carriage and behaviour—against, and for the punishment of which (in regard of the variety of circumstances) particular and express laws cannot be easily suited and made. Therefore,

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the several and respective county courts within this State, shall be, and are hereby impowered and directed, to proceed against, and punish, such persons as shall be guilty of lascivious carriage and behaviour, either by imposing a fine on them, or by committing them to the house of correction, or by inflicting corporal punishment on them, according tot he nature and aggravation of the offence—

according to the discretion of such court; that such seasonable and exemplary punishment may be inflicted on such offenders in that kind, that others may hear and fear.

AN ACT for the punishment of Incest, and for preventing incestuous marriages.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no man shall marry any woman within the degrees of kindred hereafter named in this act; that is to say,—no man shall marry his grandfather's wife, wife's grandmother, father's sister, mother's sister, wife's mother's sister, father's wife, wife's mother, daughter, son's daughter, wife's daughter, son's wife, sister's son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter, brother's son's wife, sister's son's wife.

And if any man shall hereafter marry, or have carnal copulation with, any woman who is within the degrees before recited in this act, every such marriage shall be null and void; and all children that shall hereafter be born of such incestuous marriages or copulation, shall be forever disabled to inherit by descent, or by being generally named in any deed or will, by father or mother.

That every man and woman who shall marry, or carnally know each other, being within any of the degrees before mentioned in this act, and shall be convicted thereof, before any superior court in this State, shall be set upon the gallows, the space of one hour, with a rope about their neck, and the other end cast over the gallows; and in the way from thence to the common goal, shall be severely whipt, not exceeding thirty-nine stripes each.

Also, every person so offending, shall, forever after, wear a capital letter, I, of two inches long, and proportionable bigness, cut out in cloth of a contrary colour to their cloaths, and sewed upon their garments, on the outside of their arm, or on their back, in open view.

And if any person or persons, convicted and sentenced, as aforesaid, for such offence, shall, at any time, be found without their letter so worn, during their abode in this State, they shall, by warrant from any one assistant or justice of the peace, be forthwith apprehended, and ordered to be publicly whipt, not exceeding fifteen stripes, and from time to time, or as often as they shall so offend.

AN ACT for the punishment of Rape.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the *authority of the same,* that if any man shall forcibly, and without consent, ravish any woman, or maid, by committing carnal copulation with her, against her consent, he shall be put to death.

Provided, complaint and prosecution be made, forthwith, upon the rape; and that the woman, in time of her distress, did make an outcry on the occasion.

AN ACT regulating of Marriages.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no man and woman shall be joined together in marriage, before the purpose or intention of such marriage has been published in the respective towns where the persons do ordinarily belong or reside, by the town clerk or clerks of such town or towns, at least eight days before such marriage is consummated; nor shall any such persons be joined together, before they arrive to lawful age; that is to say, a male person to the age of twenty-one years, and a female person to the age of eighteen years, without leave first obtained from the parents, (if living) or the master or masters, or guardians of such person.

Any person that shall presume to join any man or woman together in marriage, before he is certified that such purpose of marriage has been published as aforesaid, and if minors, without consent as aforesaid, shall forfeit and pay to the treasurer of the county where the offence is committed, the sum of fifty pounds, to be recovered by bill, plaint, or information.

And that no person whatsoever, in this State, other than the Governor, Deputy Governor, members of the Council, Judges of superior and inferior courts, Justices of the peace in their respective counties, settled Ministers of the Gospel in their respective towns, and during the time of his or their ministry in such town or towns, shall join any persons in marriage, on penalty of forfeiting the sum of twenty pounds, to be recovered and appropriated as aforesaid, and suffer imprisonment, not exceeding twelve months.

AN ACT to prevent the taking and using boats and canoes, without leave.

Whereas the taking and using of boats and canoes, without liberty, is too frequently practised, to the damage of the owners thereof,

Which to prevent,

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that whosoever shall take and use any kind of boats or canoes, other than such as shall be taken up going adrift, and loose from any shore, or found when driven away and left, without liberty from the owner or owners thereof, shall, for every such offence, forfeit and pay to the owner or owners thereof, double the damage he or they shall sustain by his or their boat or canoe's being taken and used as aforesaid; to be recovered by bill, plaint, or information.

AN ACT for enabling communities to maintain, recover, and defend, their common rights, estates, and interests.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that it shall and may be lawful for all and every town, village, precinct, trustees for schools, proprietors of commons or undivided lands, grants and other estates and interests, and all other lawful societies or communities whatsoever, to sue, commence, and prosecute, any suits or actions, for the maintaining, recovery, or defence of their grants, interest, and estates, in any court proper to try the same; and to appear, either by themselves, agents, or attornies: and, in like manner, to defend in all such suits and actions as shall be brought or commenced against them.

And when any such town, village, precinct, trustees, proprietors, or society, as aforesaid, shall be sued, it shall be sufficient notice for them to appear and answer, to leave a true copy of the writ or summons containing such suit or action, with their clerk, or other principal member, inhabitant, or proprietor, twelve days before the sitting of the court where the case is to be heard, as in other actions is provided.

AN ACT against high Treason.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that if any person or persons belonging to, or residing within, this State, and under the protection of its laws, shall levy war against the State, or government thereof; or knowingly, and willingly, shall aid or assist any enemies, at open war against this State, or the United States of America, by joining their armies, or by inlisting, or procuring, or persuading others to inlist, for that purpose; or by furnishing such enemies with arms, or ammunition, provision, or any other articles for their aid or comfort; or by carrying on a treacherous correspondence with them; or shall form, or be any way concerned in forming any combination, plot, or conspiracy, for betraying this State, or the United States, into the hands, or power of any enemy; or shall give, or attempt to give or send, any intelligence to the enemies of this State, for that purpose; every person, so offending, and being thereof convicted, shall suffer death, and his estate shall be confiscated.

And be it further enacted, by the authority aforesaid, that if any person or persons shall endeavor to join the enemies of this State, or of the United States; or use their influence to persuade or induce any person or persons to join, aid, comfort, or assist them, in any way or manner whatsoever; or shall have knowledge of any person or persons endeavoring, or using their influence aforesaid, and shall conceal the same, shall be punished by fine, according to the nature of his offence, and shall be imprisoned, at the judgment of the superior court, in any of the goals in this State, not exceeding ten years.

AN ACT for establishing County lines.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the tract of land in the hereafter described limits, as well the lands that are, as those that are not appropriated, shall be and remain one entire county, and known by the name of the county of Bennington, viz;—beginning at the southwest corner of the town of Pownal, thence northerly in the west lines of the towns of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Ruport, Pollet, and Wells, to the southwest corner of Poultney; thence northerly on the west line of said Poultney, to the centre of a small river, commonly called and known by the name of Poultney river; thence down the centre of said river, into the head of East-Bay; thence down said Bay, through the centre of the deepest channel of the same, into South-Bay; thence down said Bay, through the centre of the deepest channel of the same, into Lake Champlain; thence down said lake, through the centre of the deepest channel of the same, to the south line of the province of Quebec, being the west line of this State; thence east in the south line of the province of Quebec, fifty miles, being the north line of this State; thence southerly to the northeast corner of Worcester; thence southerly on the easterly lines of the towns of Worcester, Middlesex, and Berlin, to the southeast corner thereof; thence on a straight line to the northwest corner of Tunbridge; thence on the westerly line of Tunbridge, to the southwest corner thereof; thence in a straight line to the northwesterly corner of Bradford; thence in the westerly line of Bradford and Bridgwater, to the southwesterly corner thereof; thence southerly, in a straight line, to the northeast corner of Shrewsbury; thence on the easterly line of Shrewsbury, to the southeasterly corner thereof; thence west to the northeast corner of Wallingford; thence southerly on the easterly lines of Wallingford, Harwich, Brumley, Winhall, and Stratton, to the southeasterly corner of the latter; thence southerly on the westerly line of Somerset, to the southwest corner thereof; thence southerly to the northwest corner of Draper; thence southerly in the west lines of Draper and Cumberland, to the north line of the Massachusetts-Bay; thence westerly on the line of the Massachusetts-bay, to the southwest corner of Pownal aforesaid, being the south line of this State.

Be it further enacted, by the authority aforesaid, that the tract of land in the hereafter described limits, as well the lands that are, as those that are not, appropriated, shall be and remain one entire county, and known by the name of the county of Cumberland, viz;—beginning at the southeast corner of the county of Bennington, in the north line of the State of the Massachusetts-Bay; thence east in said line, to Connecticut river, being the south line of this State; thence up said river as it tends, to the south line of the province of Quebec, being the east line of this State; thence west in the south line of the province of Quebec, to the northeast corner of the county of Bennington, being the north line of this State; thence southerly in the east line of the county of Bennington, to the southeast corner thereof.

AN ACT directing Listers in their office and duty.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the listers in the several towns in this State, being sworn to the faithful discharge of their office, shall, by themselves, or one or more deputed by them, some time in the month of May annually, warn all the inhabitants, proper to be listed in their towns, or precincts, or leave notice at their houses, or usual places of abode, to give in to them their respective lists.

And the said inhabitants, being so warned, shall give in to the listers, in writing, a true account of all their listable poles, and all their rateable estate, being their property, or belonging to them on the twentieth of June following, at or before the tenth day of July following; particularly mentioning therein all such things as are, in this act hereafter expressly valued, signed with their names, or marks; which accounts the said listers shall accept, adding thereto, according to their best Judgment, a value for all things hereafter mentioned in this act to be listed, that are not particularly valued, and make the whole into one general list.

And that every person or persons, having any lands or real estate proper to be rated, in any other town than where such person dwells, shall give in to the listers of such towns where such estate doth lie, a true list thereof, in manner as before mentioned, without any warning given by the listers of the town where such estate is liable to be rated as aforesaid,—or be liable to be fourfolded.

That the listers shall return the sum total of the list unto the General Assembly, in October annually, with a certificate from the assistant, justice, or town clerk, before whom the said listers were sworn, that they were sworn to the faithful discharge of their office, some time before the first day of May preceding.

And every lister who shall neglect carrying, or sending, by one of the representatives to the General Assembly, the sum total, and certificate as aforesaid, shall forfeit and pay to the Treasurer of this State, the sum of ten pounds.

That if no sum total be returned from any town, or there be no such certificate, such town shall be doomed by, and at the discretion of the Assembly.

That the listers, after the 10th of August annually, shall, and they are hereby required, carefully to inspect the said list, until the twenty-fifth of the succeeding September, and to add four-fold for all the polls and rateable estate they shall find left out of the list by any person or persons, the property whereof did belong to such person or persons on the twentieth of June preceding; and if any doubt shall arise thereon, said estate shall be adjudged or reputed the property of the person assessed for the same, unless he can shew it to have been the property of some other person on the said twentieth of June; and also add to said lists four-fold for the whole rateable estate and polls of all such persons as have given in no lists, as a penalty on said persons for their neglect; who shall pay rates for the same, according to their four-fold assessments.

And one half of all sums arising upon such additions, shall, by the constables, or collectors of rates, be paid to said listers, as a reward for their trouble; and the other half shall be for the use for which such rates are made.

And the said listers shall add the sum total of such additions and four-folds, to the sum total before mentioned, and transmit the same to the Assembly, with such additions, on pain of paying the before mentioned penalty.

That the said listers shall, annually, some time in the month of October, deliver the lists of the polls and rateable estate of the inhabitants of their town, by them made, to the clerk of the town, taking his receipt for the same, upon penalty of paying five pounds, each lister so neglecting, to the treasurer of the town; to be recovered by bill, plaint, or information.

That when, and so often as any person or persons are over charged in their lists, it shall be the duty of the listers to grant relief, in such cases only, where the estate shall appear not to have belonged to the person on the 20th of June preceding; or that it was not left out by him through his neglect or wilfulness, but from sufficient grounds to think it was lost; and that so soon as he was sensible of his duty therein, he did offer his said estate *(bona fide)* to be entered in the public list, by said lister or listers. And in case the listers do refuse to grant such relief, upon application of the aggrieved party, an assistant, or justice of the peace, with two of the select-men of the town, may consider the case, and grant such relief as they shall judge just, and agreeable to this act; first notifying two or more of the listers to attend, and shew cause (if any they have) why such relief should not be granted.

That if any of the listers in the respective towns, do neglect, within the time ordered by law, to demand of any person or persons within their precinct, their list as aforesaid; in every such case, such listers are hereby required, at any time before the 20th of September next following, to demand such lists of every person so neglected.

And if any person, of whom such lists is demanded as aforesaid, shall neglect to bring in a true list of his estate, unto the lister so demanding the same, within five days after the demand, that then such lister shall make up a list for the person so neglecting, according to the best of his judgment, and return the same to the General Assembly; and all persons shall be accordingly assessed, in the several rates to be made on such lists.

Be it enacted, by the authority aforesaid, that all male persons in the several towns in this State, from sixteen years old to sixty, (ministers of the gospel, the president and tutors of the college, annual school-masters, and students of the college, until the expiration of the time for their taking their second degree, excepted) shall be set in the list, each person at six pounds.

And all rateable estate shall be set in the list as follows, viz:

Every ox or steer, of four years old and upwards, at four pounds each.
Each steer or heifer, of three years old, and each cow, three pounds.
Each steer or heifer, of two years old, two pounds.
Each steer and heifer, of one year old, one pound.
Each horse or mare, of three years old or upward, three pounds.
All horse kind, of two years old, two pounds each.
All horse kind, of one year old, one pound each.
All swine, of one year old or upward, one pound each.

Every person having money on hand, or due to them, over and above all debts charged thereon, shall put the same in the annual list, at the rate of six, for every hundred pounds. And in case the listers shall suspect any person has not given in the full sum of money on hand, or due as aforesaid, the listers are hereby impowered to call such person or persons before them, there to give in such lists on oath; and either of said listers are impowered to administer such oath.

That all lands within this State, after being improved one year, either for pasture, ploughing, or mowing, or stocked with grass, and within inclosure, shall be set in the list at ten shillings per acre.

That all horse kind, or other creatures, rateable by law, that are put upon any farm in this State, remote from the towns where the owner dwells, and under the care, occupancy and improvement, of a tenant, shall be put into the list of the polls and rateable estate of such tenant, in the town or peculiar, where such farm lies. And in all other cases, all horse kind, and other creatures, rateable by law, shall be put into the list of the polls and rateable estate of the owners thereof, in the towns where they dwell.

And all peculiars, or lands not as yet laid within the bounds of any town,—those lands, with the persons and estates thereupon, shall be assessed by the rates of the next town unto it; the measure or estimation to be by the distance of the meeting-house or centre.

That the ministers of the gospel that now are, or hereafter may be, settled in this State, and the president of the college, (during the continuance of their public service in the gospel ministry, and presidency) shall have all their estate, lying in the same town where they dwell, exempted.

As also shall all lands in this State, sequestered, or improved for schools, and other pious uses, be exempted.

Be it further enacted, by the authority aforesaid, that all allowed attornies at law, in this commonwealth, shall be set in the annual list for their faculty,—the least practitioner, fifty pounds, and the others in proportion, according to their practice; to be assessed at the discretion of the listers of the respective towns where said attornies live, during their practice as such.

All tradesmen, traders, and artificers, shall be rated in the list, proportionable to their gains and returns; in like manner all ware-houses, shops, work-houses, and mills, where the owners have particular improvement or advantage thereof, according to the best judgment and discretion of the listers.

Such persons as are disabled by sickness, lameness, or other infirmities, shall be exempted.

That the listers chosen in the respective towns, shall take the oath provided in the constitution of this State, for such officers.

And, for enabling the said listers to recover their part of the four-fold assessments, out of the hands of the officers collecting the same,—

Be it further enacted by the authority aforesaid, that when any constable or collector of rates, shall neglect or refuse to make payment to the listers, of any such sum or sums of money, as shall become due to them from such constables or collectors, on account of such four-fold assessments, it shall be lawful for such listers to make application to the next assistant, or justice of the peace, who shall be, and is hereby impowered, to grant a writ of *scire facias* against such constable or collector, to shew cause, (if any he hath) why execution shall not be granted against him for such sum, or sums, with the necessary charges; and if such constable, or collector, do not appear according to such *scire facias*, before such assistant, justice of the peace, or county court, according to the value of the action, and shew sufficient cause why execution shall not be granted as aforesaid; such assistant, justice, or county court, shall grant out execution in due form of law, to levy on the goods and chattels of said constable, or collector, for such sum, or sums, so neglected to be paid, and the necessary charges; and for want of such estate, to take the person, and retain the same until satisfaction be made, and the money so collected, be paid to the said listers.

AN ACT constituting and establishing one Superior Court in the State of Vermont.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the *authority of the same*, that one superior court, consisting of five judges, be, and is hereby, constituted in this State, held and kept for the year ensuing, at the times and places hereafter mentioned, by one chief judge, and four other judges; to be appointed and commissioned for that purpose; any three of whom shall have power to hold said court: which court shall have cognizance of all pleas of the State, that relate to life, limb, or other corporal punishment; also fines, banishment, and divorce; and shall have power to hear and determine the same by jury, or otherwise, according to law, and award execution accordingly. And shall have cognizance of all pleas in causes or actions between party and party, or between this State and any of the subjects of this or the other States, whether the same do concern or relate to murder, treason, burglary, theft, robbery, riot, goal-breaking, rescuing prisoners, impeding the authority of this State in the execution of their office; also trespass, damage, fraud, or cheat,—either by appeal, review, writ of error, scire facias, indictment, complaint, or otherwise, as the law directs; and the same to try by jury, or otherwise, as aforesaid, and therein proceed to judgment, and award execution thereon accordingly.

That this court shall not have cognizance of any action where the matter in demand does not exceed twenty pounds, or the fine does not exceed twelve pounds, except by appeal.

That this court shall have no power to try any action or title of land, for the year ensuing; any clause in this or any other act of the legislature of this State to the contrary notwithstanding.

That when, and so often as it shall happen, that, by reason of the necessary absence of, or just exception against, any of the judges of the said superior court, there shall not be a sufficient number of them to hold said court, or try any cause, the vacancy shall be supplied by any of the councillors of this State.

That any one or two of the judges of said court, being at the time and place for opening of said court, shall have full power to open and adjourn the same.

That the judges of the said court shall have full power to appoint and swear a clerk for said court; who shall be, and he is hereby, impowered to grant executions on judgments rendered in said court, and to act and do all things proper for him as a clerk of said court, in the execution of said office, according to the rules, orders, and directions of said court, and according to law.

That the chief judge, or in his absence any three of the other judges, shall be, and they are hereby, impowered to call a special court upon any extraordinary occasion.

That the times and places for holding the superior court of judicature for the year ensuing, shall be as follows, that is to say,

Within and for the county of Bennington, at Bennington, on the second Thursday of December next.

Within and for the county of Cumberland, at Westminster, on the second Thursday of March next.

Within and for the county of Bennington, at Rutland, on the second Thursday of June next.

Within and for the county of Cumberland, at Newbury, on the second Thursday of September next.

Be it further enacted, by the authority aforesaid, that all actions that are entered in any of the special courts of this State, which remain untried, shall be transferred as they now stand, from the said special courts into the superior court, at the first sitting of said court in the county where such actions are now entered.

AN ACT to prevent riots, disorders, and contempt of authority, within this State, and for punishing the same.

Whereas, breaking open goals, rescuing prisoners, &c. are much to the damage of civil society,

Which to prevent,

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that if any person, or persons, shall impede or hinder any officer, judicial or executive, civil or military, under the auauthority of this State, in the execution of his office; on conviction thereof before the superior court of this State, shall be whipped on the naked back, not exceeding one hundred lashes for the first offence, and pay all costs and damages that shall accrue from such disorder, beside cost of prosecution: and for want of estate to pay said costs, damages, &c. the offender may be bound in service to any subject of this State, for such time as shall be judged by said court to be sufficient to pay said costs, damages, &c. And said court are hereby authorised to bind said delinquent.

Be it further enacted, by the authority aforesaid, that if any person shall be guilty of a second offence of the like nature, and shall be convicted thereof, he shall be branded with the letter C on the forehead, and shall be whipped on the naked back, not exceeding one hundred lashes; to be repeated every time of conviction.

Be it further enacted, by the authority aforesaid, that if any person or persons, either directly or indirectly, shall break open, or aid or assist in breaking open, any goal, or place of confinement, wherein any prisoner or prisoners may be confined by the authority of this State, on conviction thereof, shall be whipped on the naked back, not exceeding one hundred lashes, and be branded on the forehead with the letter B, and pay a fine, not exceeding one hundred pounds, and all costs and damages that may accrue from such disorder, together with cost of prosecution; and for want of estate to pay said costs and damages, the offender may be bound in service as aforesaid.

That the superior court, before the dismission of such delinquent, may call on him to give bonds, in surety, not exceeding three thousand pounds, for his good behaviour: and in case such delinquent shall refuse to give such surety, said court are hereby impowered to confine such delinquent in any of the goals in this State.

AN ACT directing proceedings against forcibly entry and detainer.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that upon complaint made to any one or more assistants or justices of the peace, of any forcible entry made in any house, lands, tenements, or other possessions, lying within the county where such assistant or assistants, justice or justices reside; or of any wrongful detainer of any such houses, lands, tenements, or other possessions, by force, or strong hands, that is to say, by, or with, such violent words or actions, as have a natural tendency to affright and terrify; every such assistant or assistants, justice or justices, within convenient time, at the cost of the party aggrieved, shall go to the place where the said force is, taking with him or them the sheriff of the county, (if need be) to aid and assist said authority; and any of the people of the county, shall attend the said assistant or assistants, justice or justices, to assist him or them to arrest such offenders (when thereunto called) upon pain of imprisonment for a term not exceeding one month, and of paying a fine of twenty shillings to the treasurer of the county.

And that two assistants, or two justices, or one assistant and one justice, shall have authority to enquire by oath, of the people of the same county, as well as of them that make such forcible entry, or hold and detain the same by force and strong hand: and if it be found on such enquiry, that a forcible entry hath been made into houses, lands, tenements, or other possessions, or that the same are held by force; then such assistants, or justices, shall cause the same houses, lands, tenements, or other possessions, to be re-seized, and the party to be put in possession thereof, who in such manner was put or held out of the same.

And in such cases, where the nature of the facts are cognizable before such authority, the said authority shall also tax a bill of cost against such persons as before them shall be convicted of forcible entry, or detainer.

And in case the person complained of is found not guilty, cost shall be taxed against the complainant, and execution thereon granted accordingly.

And to the end that enquiry may be made, as aforesaid,

Be it enacted, by the authority aforesaid, that such assistants or justices shall make out their warrants or precepts, directed to the sheriff of the same county, or his deputy, commanding him, in the name of the freemen of this State, to cause to come before them, eighteen sufficient and indifferent persons, dwelling near unto the houses, lands, tenements, or other possessions, so entered upon or held as aforesaid, whereof fourteen shall be sworn well and truly to enquire of such forcible entry, or detainer, and to return a true verdict, according to their evidence.

And if the sheriff shall make default, in not executing such warrant or precept, to him directed, he shall be fined or amerced, in the sum of five pounds, for every default.

And every juror, legally summoned, making his default, by non-appearance, shall pay a fine of twenty shillings.

That when it shall so happen, that the sheriff is either a party, or stands in the relation of a father or son, by nature or marriage, or of a brother in the like kind, uncle or nephew, landlord or tenant, to either of the parties; either of the constables of the town where the facts are said to be done, not being interested, or related as aforesaid, shall have, in those cases, all the powers and authority that the sherifls, in this act, are vested with; and shall be under the same regulations, and, in case of default, liable to the same penalties.

And that any assistant, or assistants, justice, or justices, holding such court of enquiry, may impose a fine on every such offender, not exceeding twenty shillings; and demand bonds of such offender or offenders, for their good behaviour, until the next county court in that county, there to appear; and on such offender's refusing or neglecting to give such bonds, they may commit such offender to prison, until he or they do comply with the judgment.

And if the offence be aggravated by any open or high-handed breach of peace, or otherwise, the county court may increase the fine according to the aggravation or circumstances of the offence.

All fines arising by virtue of this act, to be to and for the use of the county treasury.

And the party aggrieved shall recover treble damages, and cost of suit, by action of trespass against the offender or offenders, if it be found by verdict, or in any other manner, by due form of law, that he or they entered into his house, lands, tenements or other possessions, by force.

Provided always, that this act shall not extend to any person or persons who have had the occupation, or have been in the quiet possession, of any houses, lands, tenements, or other possessions, for the space of three whole years next before, and his or their estate or estates therein, is not ended or determined; any thing to the contrary, in this act, notwithstanding.

AN ACT for relieving and ordering idiots, impotent, distracted, and idle persons.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that when, and so often as it shall happen, that any person or persons shall be naturally wanting of understanding, so as to be uncapable to provide for themselves; or, by some providence of GOD, by age, sickness, or otherwise, become poor and impotent, or unable to provide for themselves, and having no estate wherewithall they may be supported; then they, and every of them, shall be provided for, and supported, by such of their relations as stand in the line or degree of father or mother, grand-father or grand-mother, children or grand-children, if they are of sufficient ability to do the same; which sufficient relations shall provide such support and maintainance, in such manner and proportion as the county court in that county where such idiot, distracted, poor, or impotent person dwells, shall judge just and reasonable, whether such sufficient relations dwell in the same or another county. And the said courts are hereby fully authorised, upon application to them made, either by the select-men of the town, or any one or more of such relations, to order the same accordingly.

And if any of such relations who shall be by such court assessed, or ordered to pay any certain sum or sums, for the purpose aforesaid, shall neglect to do the same, or give sufficient security to abide by and fulfil the judgment of the court, the said court may award execution, quarterly, against such persons respectively, for levying so much as they are respectively assessed, to be delivered into the hands of the complainant, or complainants respectively, for the purpose aforesaid.

But if such idiot, distracted, or impotent person, have any estate, the county court of that county where they dwell, may order and dispose thereof, in such manner as they shall judge best, for, and towards, the support of the persons,—as also the persons themselves, to any proper work or service, he, she, or they, may be capable of performing, at the direction of the select-men; or the select-men may appoint and impower some meet person, a conservator to take care of, and over-see, such idiots, distracted, and impotent persons, and their estates, for their support; who shall be accountable to said select-men, for their management of said trust, when thereto ordered by the select-men.

And if the estate of such idiot, distracted, or impotent person, consist of houses or lands, the General Assembly (upon application to them made) may licence and authorise the select-men of the same town, or some other meet person, to make sale of such houses or lands, or so much thereof as the Assembly shall think fit to order, to and for the use, relief and benefit of such impotent person, the produce thereof on sale, to be secured, and employed for the purpose aforesaid, so long as such person shall live; or until he or she be capable of providing and taking care of him or herself; and the overplus (if any there be) in case of restoration, to and for the use of the person; and in case of death, to and for the use of the next and right heirs of such person.

That if such idiot, distracted, poor, and impotent persons have not estate (the income whereof being improved, or disposed of, as aforesaid) sufficient for their support, and no relations appear to provide for them, or that stand in so near a degree that they may be compelled thereto; in every such case, the select-men, or overseers of the poor of the town or peculiar,* where such person is, by law, an inhabitant, be, and are hereby impowered and required to take effectual care, and make necessary provision for the relief, support and safety of such person, at the charge of the town or place where he or she of right belongs: and if they belong to no town or place in this or the other American States, then at the cost of this State.

Be it further enacted, by the authority aforesaid, that the select-men, for the time being, in the several towns in this State, shall, from time to time, diligently inspect into the affairs and management of all persons in their town, whether householders or others; and if they shall find any person or persons that are likely to be reduced to want, by idleness, mismanagement or bad husbandry, that then such select-men may appoint an overseer to advise, direct, and order, such persons in the management of their business, for such time or times as they shall think proper: a certificate of which appointment shall be set on the sign-post, and a copy thereof lodged in the town clerk's office, by such select-men forthwith; and thereupon, no such person, while under such appointment, shall be able to make any bargain, or contract, without the consent of such overseer, that shall be valid in law.

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* A term employed to designate places not within the limits of any town—see "Act directing listers in their office and duty."

And if such measures do not prove sufficient to reform such person, then the select-men may, and they are hereby directed to make application to the next assistant, or justice of the peace, and inform him thereof; which assistant, or justice, is hereby directed and impowered, at the request of the select-men, to issue forth his warrant to the sheriff, his deputy, or either of the constables of that town, commanding him to take the body of such person, and bring him before such authority, in order that such person may be examined concerning his idleness or mismanagement, and be dealt with, according to this act.

And in case such person, who shall be informed against, shall abscond, so that he cannot be taken; then the officer shall serve such warrant, by leaving a true, attested copy thereof, at the usual or last place of his abode: and after the proceedings above directed to, the select-men (if no sufficient reason be offered to the contrary) shall, by and with the advice of said assistant, or justice, (and having such advice, are hereby authorised to) take such person, and his family, if any he hath, into, and under, their care; and such person, and family, assign, bind, or dispose of, in service, as they shall judge best.

And when the select-men shall have taken into their care any such person, and disposed of him, as aforesaid; or in case of his absconding, as aforesaid, being proceeded against as aforesaid, the select-men are hereby authorised, and fully impowered, by and with the advice of such assistant or justice, to take into their custody all the lands, goods, chattels, and credits of such persons, and the same dispose of, improve and manage for the best good and advantage of such person, or his heirs.

Always provided, That no select-men shall sell the lands of such idle, or mismanaging, or poor person, without the order of the General Assembly.

And the select-men shall publish their doings with, and on, such estate, taken by them, as aforesaid, by forthwith setting up a certification thereof, under the hands of such authority and select-men, at some public place in the town, and lodge a true copy thereof in the town-clerk's office in said town; and shall also, within ten days after the taking of such estate, make a true and perfect inventory of all and singular the goods, chattels, and credits of such person, as shall come into their hands, with a just estimate of the true value of every article thereof, by the appraisement of two indifferent freeholders, under oath, being thereunto appointed and sworn by said authority: which inventory, so taken, shall be lodged in the town-clerk's office of that town.

And if any person or persons shall detain, or withhold, from such select-men, any estate, lands, or credits, belonging to such idle, mismanaging, or poor person, the select-men are hereby impowered to demand and recover the same, by action, or other lawful means; which being recovered and received by such select-men, shall be inventoried, and improved as aforesaid.

And the said select-men shall take care to pay out of such estate, the just debts due from such persons.

And if any person or persons shall be aggrieved with the doings of such select-men, in any such case, they may apply, and complain, to the next county court in that county, for relief; who are hereby impowered to afford such relief, as on hearing the case, they shall think convenient and just, and give orders therefor, and put the same in execution.

And all such persons, who shall be taken, and whose estates shall be taken and disposed of, according to this act, shall be disabled to make any contract, act, or deed, that shall be binding upon their persons or estates, as minors, under guardians, by law are, until, by their industry, good management, and application to business, they shall obtain a certificate, under the hands of such select-men and authority, that they are released, and their estate put into their own hands and improvement.

AN ACT for forming and regulating the militia; and for encouragement of military skill, for the better defence of this State.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the Governor of this State, for the time being, shall be Captain General and Commander in chief; and the Deputy Governor for the time being, shall be Major General, of and over all the military forces within the same.

That all the military companies in this State, shall be formed into regiments, as followeth, viz;—

That the military companies in the several towns included in the limits hereafter described, viz;—beginning on the west bank of Connecticut river, where the same enters into the State of the Massachusetts-Bay; from thence up said river to the northeast corner of the township of Westminter; thence west, by the needle of the compass, to the county line; thence southerly on said line, until it comes to the north line of the Massachusetts-Bay aforesaid; from thence easterly, on said line, to the place of beginning, be, and are hereby, made and declared, to be one entire and distinct regiment; and shall be distinguished and called by the name of the first regiment.

The military companies in the several towns and gores included in the limits hereafter described, viz;—beginning at the southwest corner of the township of Pownal; from thence northerly in the line of this State, to the northwest corner of Arlington; thence east, a parallel line, until it strikes the county line; thence southerly on said county line, until it comes to the north line of the State of Massachusetts-Bay; thence westerly on said Massachusetts line, to the place of beginning, be, and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the second regiment.

The military companies in the several townships and gores included in the limits hereafter described, viz;—beginning at the northeast corner of the township of Westminster, on Connecticut river, and running northerly up said river, to the southeast corner of the township of Norwich; thence westerly on the southerly lines of the towns of Norwich and Sharon, and to continue the same course to the county line; thence southerly on said line, until it comes to the northwest corner of the first regiment; thence easterly on said line, to the place of beginning, be, and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the third regiment.

The military companies in the several townships and gores included in the limits hereafter described, viz;—beginning at the southeast corner of the township of Norwich, on the west bank of Connecticut river; thence running northerly on said river, until it comes to the forty-fifth degree of northern latitude; thence west on said line, until it comes to the county line; thence southerly on said county line, until it comes to the northwest corner of the third regiment; thence easterly on the north line of said third regiment, to the place of beginning, be, and is hereby made and declared to be one entire and distinct regiment; and shall be distinguished and called by the name of the fourth regiment.

The military companies in the several townships and gores included in the limits hereafter described, viz;—beginning at the northeast corner of the second regiment; from thence running northerly, on the county line, until it comes to the forty-fifth degree of north latitude; thence running west on Canada line, until it comes to Lake Champlain; then turning southerly on the west line of this State, until it comes to the northwest corner of the second regiment; thence running easterly with the north line of the second regiment, until it comes to the first mentioned bounds, be, and is hereby made and declared to be, one entire and distinct regiment; and shall be distinguished and called by the name of the fifth regiment.

That where, by the aforesaid division, or by any division which shall be hereafter made, it shall so happen that any of the said military companies shall be divided, and put part into one regiment, and part into another regiment; in such case, such company or companies shall belong to that regiment, to which the major part of the company doth belong.

That there shall be in each regiment, from time to time, appointed by the soldiery and freemen within the same, a colonel, lieutenant colonel, and major, who shall be commissioned by the Governor of this State for the time being.

That the colonel, or officer commanding in each regiment, as often as he shall see cause, shall require the captain, or chief officer of each company in his regiment, to meet at such time and place as he shall appoint, to confer with them, and give in charge such orders as shall, by them, or the major part of them, be judged meet, for the better ordering military affairs, and promoting military skill and discipline in said regiment.

And the said colonel, lieutenant colonel, and major of each regiment, are hereby impowered to dignify the several companies belonging to their respective regiments, calling to their assistance the commissioned officers of the respective companies of said regiment.

And be it further enacted, by the authority aforesaid, that all male persons, from sixteen years of age to fifty, shall bear arms, and duly attend all musters, and military exercise of the respective troops and companies, where they are inlisted, or do belong; except ministers of the gospel, councillors, justices of the peace, the secretary, judges of probate, and superior and inferior courts, the president, tutors, and students at collegiate schools, masters of arts, allowed physicians and surgeons, representatives or deputies for the time being, school masters, attornies at law, one miller to each grist-mill, sheriffs and constables for the time being, constant jurymen, tanners who make it their constant business, lamed persons, or others disabled in body, producing a certificate thereof from two able physicians or surgeons, to the acceptance of the two chief officers of the company whereto the person seeking dismission appertains, or of the chief officers of the regiment to which such company belongs.

That every listed soldier and other householder, shall always be provided with, and have in constant readiness, a well fixed firelock, the barrel not less than three feet and a half long, or other good fire-arms, to the satisfaction of the commissioned officers of the company to which he doth belong, or in the limits of which he dwells; a good sword, cutlass, tomahawk or bayonet; a worm, and priming-wire, fit for each gun; a cartouch-box, or powder-horn and bullet-pouch; one pound of good powder; four pounds of bullets fit for his gun, and six good flints; on penalty of eighteen shillings, for want of such arms and ammunition as is hereby required, and six shillings for each defect; and a like sum for every four weeks he shall remain unprovided: that each company shall choose some suitable person to be clerk, who shall be sworn to the faithful discharge of his office, before some councillor or justice of the peace, which oath shall be admistered in the words following, viz.

You —— —— do solemnly swear by the ever living God, that you will faithfully execute the office of clerk of the military company of foot, commanded by Capt. —— —— until another shall be chosen and sworn in your room; and will do equal right and justice to all men, to the best of your judgment and abilities, according to law. So help you God.

And every clerk so chosen and sworn, shall give his attendance in the field, with his sword by his side, on every of the muster or training days, by his captain or chief officer appointed, to call over the roll of the soldiers, and to take notice of their defects, by their absence or otherwise.

And every such clerk shall take an exact list of all the soldiers within his limits, twice in every year at least, and deliver to the captain or commanding officer of the company of which he is clerk, a true copy of such list, twice in every year, if thereto required; and also deliver a true and exact account of the number of officers and soldiers contained in his list, to the colonel or chief officer of the regiment to which said company belongs, attested by him as clerk, some time in the month of April annually, and oftener if by such chief officer required; on penalty of forfeiting the sum of ten pounds for every such neglect, to the use of the company to which he belongs: which fine shall be levied by distress and sale of the offender's goods, by warrant from the chief officer of said company, directed to the constable of the town in which said Clerk dwells.

And every such clerk is hereby authorised and required to execute all lawful warrants, by his superior officers to him directed, and for the levying any fine or fines on delinquents, together with necessary charges arising thereon; being by virtue of such warrant as fully impowered thereto as constables are in other cases, and shall have the same fees, and shall account for such fines to the chief officer of the company whereto he belongs.

That the colonel or chief officer of each regiment, shall be, and is hereby impowered and authorised, upon any claim, invasion, or notice of the appearânce of an enemy, either by water or land, to assemble in military array, and put in warlike posture, the whole militia of the regiment under his command, or such part of them as he shall think needful; and being so alarmed, to lead, conduct, and employ them, as well within the regiment whereto they belong, as in any other adjacent place in this State, for the assisting, securing, and relieving, any of the subjects of the united and independent States of America, or their forts, towns, or places, that shall be assaulted by any enemy, or in danger thereof; and with them, by force of arms, to encounter, repel, pursue, kill and destroy such enemy, or any of them, by any fitting ways, enterprizes or means whatsoever.

And the colonel, or chief officer of any regiment, so taking to arms, or leading forth any party of men, shall forthwith post away the intelligence, and occasion thereof, to the captain-general or commander in chief, for the time being, and to the commanding officer of the northern department, for the time being; and shall attend and observe such directions and orders as he shall receive, from time to time, from him the said captain-general.

That when any town or place in this State shall be assaulted, attacked, or set upon, by indians, or any other enemy, it shall be lawful for, and in the power of the chief commissioned officer or officers of the company or companies, in such place so assaulted, attacked, or set upon, to call forth all such soldiers under his or their command, and to martial, order, and dispose, them in the best manner, to defend the place so beset; and to encounter, repel, pursue and destroy the enemy; and, if need so require, to assist a neighbor town, when assaulted or set upon as aforesaid: and in case any officer or soldier shall refuse to muster, and march, according to orders given him for the purposes aforesaid, by his superior officer; such officer shall be cashiered, and forfeit and pay to the treasurer of the town where such officer belongs, a sum in proportion to the wages such officer, so neglecting, would be intitled to for such service,—with the soldier who is, for such neglect, by this act, to pay a fine of eighteen pounds, to be applied for the purpose of employing soldiers in the service of this and the United States; and to be recovered by bill, plaint, or information, in any court proper to try the same.

And whereas, for the speedy and effectual defence of this and the United States of America, to raise men on sudden emergencies, and for particular services, by detaching part of the militia for that purpose:—

Wherefore, that the same, when ordered by the General Assembly, or the Governor and Council, in the recess of the Assembly, may be rendered effectual,

Be it enacted, by the authority aforesaid, that whenever the General Assembly, or the Governor and Council as aforesaid, shall resolve or order, that any certain number or proportion of effective men shall be detached, or draughted, out of the respective regiments of militia in this State, or any of them, for any particular service, or to be in readiness therefor, on a sudden emergency, according as the General Assembly, or Governor and Council shall judge proper; and that, if, in consequence and pursuance of such resolve or order, any captain, or chief officer of any company, shall cause his company to be warned to assemble and muster, at such time and place as he shall appoint—which he is directed to do, when required by his superior officer—to detach or draught any part thereof, for the purpose aforesaid; every soldier belonging to such company, being duly warned, shall appear, and attend such muster, according to such warning; and for neglect thereof, shall forfeit and pay to the treasurer of the town where he dwells, the sum of twelve pounds, to be recovered by bill, plaint, or information, in any court proper to try the same.

And if any soldier shall, in any manner, be duly and legally detached or draughted, for the purpose and service or services aforesaid, and shall neglect or refuse seasonably to muster, join to, or proceed with, the troops he is appointed to serve with, (being duly noticed thereof) he shall forfeit and pay the sum of eighteen pounds, to be recovered as aforesaid, and to be applied for the purpose of employing soldier or soldiers to perform such service: and for want of goods or estate to answer the same, shall be disposed of, in service, to any subject of this or the United States of America, to satisfy the same; any law, usage, or custom, in any wise heretofore, to the contrary notwithstanding.

And be it further enacted, by the authority aforesaid, that if, at any time, it shall appear to the captain, and other commissioned officer or officers of any company, that the following method is more convenient, he may and shall have a right to proceed accordingly, that is to say;—

The captain, or commanding officer, shall, with the advice of his under officers, make a roll of all the men's names that he has a right to command, and then divide them into as many divisions as he has orders to draught or detach men, always having reference to those who have done most in the present war, as well as the estates of men; and when it shall so happen that the divisions or classes cannot be equal in number, such officer, with the advice of his under officers then present, shall make all such classes as near equal as possible, by connecting men of interest, poor men, and those that have been at most expense in the present war, together in one class.

Then such commanding officer shall make out a list of each person's name that is connected in one class, and give such list to some one man in each class, ordering each class to furnish one man, appointing a time and place for such men to meet, in order to muster or march to the place they may be ordered to.

And in case any such class shall refuse or neglect to furnish a man, as aforesaid, then such officer shall immediately hire one man for every class so neglecting or refusing, as cheap as may be, pledging the faith of this State for the payment of such sum.

And such captain or commanding officer, so hiring a man or men, for any class or classes, with the advice of as many of his under officers as may be convenient, shall make out each man's proportion of the cost of hiring as aforesaid, (always having particular regard to those that have done most in this war, as well as the estates of persons) and issue his warrant thereon to his clerk, or some other meet person, directing him to take of the goods and chattels of such persons, in such proportion as his warrant shall direct, as also for the cost; and such clerk, or other meet person, shall sell such goods or chattels at public vendue, and return to the captain or commanding officer, the money which his warrant shall direct; which shall be disposed of to pay the engagement of the captain or commanding officer, to the soldier who engages or does the service: and the cost being paid, the overplus, if any there be, shall be repaid to the owner of the goods or chattels so sold.

And every person authorised by any captain or commanding officer of any company of the militia of this State, to serve such warrant, is hereby authorised, and fully impowered, if he should, at any time, meet with opposition in the execution of his warrant, to command a sufficient number of the militia to his assistance; and all persons are hereby directed to assist such person in the execution of his warrant.

And be it further enacted, by the authority aforesaid, that if any general officer shall, at any time, receive orders from the captain-general, or commander in chief, requesting him to call together any regiment or regiments of militia within this State, or any part or parts of such regiment or regiments, and to march them for the immediate defence of this, or the United States of America, agreeable to such orders, and shall neglect or refuse to put the same in execution, agreeable thereto, he shall forfeit and pay to the treasurer of this State, the sum of three hundred pounds, to be recovered in the manner aforesaid.

And in case any field or other officer, commanding any regiment of militia within this State, shall refuse or neglect to put in immediate execution, any order or orders he may receive from the captain-general, or from the general officer to whom any such order had been previously issued by the captain-general, for the purposes aforesaid; such officer shall, for such refusal or neglect, forfeit and pay to the public treasurer of this State, two hundred pounds, to be recovered as aforesaid.

And in case any captain or other commanding officer of any company of militia within this State, shall refuse or neglect to put in immediate execution, any orders he may receive from any his superior officers, for the purposes aforesaid; or in case any such captain, or commissioned officer of any such company of militia, who may be nominated, and to whose lot it of course falls, to take the command of any number of soldiers, so detached or draughted from the company or companies of the regiment to which such officer does belong, shall neglect or refuse to perform such service, he shall, for such neglect or refusal, be cashiered, and suffer the penalty as aforesaid for a commission officer; and the next commissioned officer, to whose lot it shall, in course, fall, shall, forthwith, take such command; and said officer, so neglecting or refusing to perform his tour in the service, thereto required by his commanding officer, shall be reduced to the ranks: and that, if any commission officer of any military company, shall lay down his place, or give in his commission, without liberty from the captain-general; and if any serjeant, clerk or corporal of such company, shall lay down his place, without liberty from the colonel or chief officer of the regiment whereto such serjeant, clerk or corporal doth belong; every such officer shall be listed in the roll of the company in the limits whereof he resides, and do all duties and services as private sentinels are, by law, required to do. That all such persons that are not fifty years of age, who have been serjeants of the foot, in any company within this State, or such as have sustained such office in any war, who shall dwell in the limits of any other company than that in which they have sustained such office, shall be, and are hereby freed from doing duty as private sentinels, and shall be required only to be present, to attend the exercise in such place or office as they have before served in. And if any such officer shall refuse or neglect to be present on days of exercise when required, and to attend the duty of his office, he shall be liable to the same fine as others who sustain the same office in any particular company are liable to; and all commissioned officers of the like kind shall be excused from attending.

That all fines, penalties and forfeitures, arising by virtue of this act, or any breach thereof, shall be levied on the goods, or chattels of the respective delinquents, if they be not minors; and on the goods or chattels of the parents, masters, or guardians of such delinquents as are minors; and shall be for the use of the respective companies to which such person or persons fined, do belong,—(except such fines as are otherwise disposed of in this act.)

And every person chosen by any company for their drummer, or fifer, upon his accepting said service, shall provide himself a good drum, or fife, and constantly attend service when required, on penalty of ten shillings fine, for each day's neglect; to be levied by warrant from the two chief officers of the company to which such drummer or fifer doth belong.

Be it further enacted, by the authority aforesaid, that in any town in this State, where there are thirty able bodied men, or more, that are freed by the laws of this State from doing duty in the militia companies formed in said towns, on account of age or commissions, &c.—that it shall and may be lawful for them to form themselves into a military company, choosing for said company, one captain, one lieutenant, and one ensign; who shall be commissioned by the Governor of this State, and under the command of the field-officers of the regiment where they live, and to which they belong.

Be it further enacted, by the authority aforesaid, that where there be twenty or more, of the before described persons, inclining as aforesaid, it shall and may be lawful for them to form themselves into a military company, choosing one captain, and one lieutenant, to be commissioned and commanded as aforesaid.

Be it further enacted by the authority aforesaid, that where there are two towns lying and joining together, where either of the before mentioned numbers of the before mentioned persons are inclined to form themselves into such company, under such regulations as before mentioned, it shall and may be lawful; and they shall be commissioned and commanded as aforesaid.

Be it further enacted by the authority aforesaid, that each and every person in this State, who are, by law, exempted from doing military duty, (ministers of the gospel, president, tutors and students in college only excepted) and do not comply with the preceeding paragraph of this act, as to forming into a military company, shall be under the command of the military officers within their respective towns, with respect to doing their proportion in the present war.

AN ACT impowering Collectors to collect Rates.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that whensoever any town, society, or other community, which by law are, or shall be, enabled and authorised to grant and levy any rate, or tax, for the answering or defraying the necessary charges and expences thereof, shall, in any of their lawful meetings, agree upon and grant a rate or tax, to be levied upon such town, society, or other community, for any of the purposes for which, by law, they are or shall be impowered to grant such rate or tax, they shall choose some meet person to be collector of such rates or taxes; and the select-men, or a committee appointed for that purpose, shall take proper care that such rates be accordingly made, for the assessment of the several persons to be taxed, and deliver the same to such collector.

And, upon application made to some assistant, or justice of the peace, such assistant, or justice, is hereby authorised and directed to grant a warrant for the collecting such rate or tax; which warrant shall be directed to such collector appointed to collect the same, requiring and impowering him to gather and collect such rate or tax, according to the grant thereof, made as aforesaid.

And that all such collectors, authorised and directed to gather any rates or taxes whatsoever, duly laid and assessed on any of the inhabitants of this State, shall have full power and authority to collect the same, according to such warrant as shall be given them; and shall have the same power and authority to command assistance in the execution of their office, (when need shall require) as is, by law, given to a sheriff or constable, in the execution of their office: and all persons are hereby required to yield due obedience thereunto.

Provided always, such collector shew and read his warrant or authority to the persons whose assistance is commanded.

AN ACT for the due observation and keeping the first day of the week as the Sabbath or LORD'S day; and for punishing disorders and profaneness on the same.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no tradesman, artificer, labourer, or other person whatsoever, shall, upon land or water, do or exercise any labour, business, or work, of their ordinary callings, or any kind whatsoever, (works of necessity and mercy only, excepted) nor use any game, sport, play, or recreation, on the Lord's day, or day of public fasting, and thanksgiving, on pain that every person so offending, and being convicted thereof before an assistant or justice of the peace, shall, for every such offence, forfeit not exceeding a sum of ten pounds, as the nature of the offence may require. That whatsoever person shall be guilty of any rude, profane, or unlawful behaviour on the Lord's day, either in words or actions, by clamorous discourse, or by shouting, hollooing, screaming, running, riding, dancing, jumping, blowing of horns, or any such like rude or unlawful words or actions, in any house or place, so near to, or in, any public meeting house for divine worship, that those who meet there may be disturbed by such rude and profane behaviour, and being convicted, shall incur the penalty of forty shillings for every such offence, and be whipped on the naked back, not exceeding ten stripes, nor less than five.

That no person shall drive a team, or droves of any kind, or travel on said day, (except it be on business that concerns the present war, or by some adversity they are belated, and forced to lodge in the woods, wilderness or highways the night before; and in such case, to travel no farther than the next inn, or place of shelter, on that day) upon penalty of forfeiting a sum not exceeding ten pounds, as the nature of the offence may require.

Nor shall any person go from his or her place of abode, on the Lord's day, unless to or from the public worship of God, attended, or to be attended upon, by such person, or unless it be on some work or business of necessity or mercy, then to be done or attended upon, on penalty of paying a fine, not exeeeding five pounds, for every such offence.

Nor shall any person or persons keep, or stay, at the outside of the meeting-house, during the time of public worship, (there being convenient room in the house) nor unnecessarily withdraw themselves from the public worship to go without doors, nor profane the time by playing, or profanely talking, on the penalty of paying a fine, not exceeding three pounds, for every such offence, as the nature of the offence may require.

That if any number of persons shall convene and meet together in company or companies, in the street or elsewhere, on the evening next before, or after, the Lord's day, and be thereof convicted, shall pay a fine, not exceeding three pounds, or sit in the stocks, not exceeding two hours.

Always provided, that this act shall not be taken or construed to hinder the meetings of such persons upon any religious occasions.

Provided also, that all presentments or informations against any person or persons, for being guilty of any of the before mentioned offences, be made within one month after the commission thereof.

That the grand-jurymen, and tything-men, and constables, of each town, shall carefully inspect the behaviour of all persons on the Sabbath, or Lord's day; and due presentment make of any profanation of the worship of God, on the Lord's day, or on any day of public fast or thanksgiving, and of every breach of Sabbath which they, or any of them, shall see or discover any person to be guilty of,—to the next assistant, or justice of the peace; who is hereby impowered to proceed therein, according as the nature of the offence requires.

That each grand-juryman, tything-man, or constable, shall be allowed six shillings per day, for each day he spends in prosecuting such offenders, to be paid by the person offending, or the parent, or guardian, or master, of such person, when he is under age; and all fines imposed for the breach of this act, on minors, shall be paid by the parents, guardians, or masters, if any be; otherwise, such minors to be disposed of in service, to answer the same; and upon refusal, or neglect of payment of such fines, and charges of prosecution, the offender may be committed, unless he be a minor; in which case, execution for the fines and charges shall go forth against his parent, guardian or master, after the expiration of one month next after such conviction of such minor, and not sooner.

Provided, no person or persons, prosecuted on this act, shall be charged with more than for one person prosecuting him for such offence.

That whatsoever person shall be convicted of any profanation of the Lord's day, or of any disturbances of any congregation, allowed for, or attending on, such worship, and shall, being fined for such offence, neglect or refuse to pay the same, or present estate for that purpose; the court, assistant, or justice of the peace, before whom the conviction is had, may sentence such offender to be publicly whipped, not exceeding twenty stripes—respect being had to the nature and aggravation of the offence.

But if any children, or servants, not of the age of discretion, shall be convicted of such profanation or disturbance, they shall be punished therefor, by their parents, or guardians, or masters giving them due correction in the presence of some officer, if the authority so appoint, and in no other way; and if such parent, guardian, or master, shall refuse or neglect to give such due correction, that every such parent, guardian, or master, shall incur the penalty of ten shillings.

And that no delinquent, on this act, shall be allowed any appeal or review.

And all and every assistant, justice of the peace, constable, grand-juryman, and tything-man, are hereby required to take effectual care, and endeavour that this act, in all the particulars thereof, be duly observed; as also to restrain all persons from unnecessary walking in the streets, or fields, swimming in the water, keeping open their shops, or following their secular occasions or recreations, in the evening preceding the Lord's day, or on said day, or evening following.

AN ACT for the ordering and disposing of transient persons.*

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the select-men of each respective town in this State, shall be, and are hereby, authorised and impowered to warn any transient person (residing in such town, that is not of a quiet and peaceable behaviour, or is, in their opinion, like to be chargable to such town) to depart out of such town, except such person does obtain a vote of the inhabitants of such town, in legal town meeting, to remain in such town; and if any such person or persons, being so warned, do not leave such town within twenty days after such warning, then one or more of said select-men may make application to an asssistant or justice of the peace, who is hereby impowered to issue his warrant to the sheriff or constable to take such person or persons, and transport him or them to the next town, towards the place where such person was last an inhabitant;—in the same manner to be transported to the place where such person or persons were inhabitants last, or in the same way, out of this State, if he be not an inhabitant thereof; and all such expence shall be paid by the person or persons so warned, if of ability, but if he is not of ability, to be paid by such town.

Provided always, that no person shall be subject to such warning, after he or she has lived in such town one year.

Be it further enacted, by the authority aforesaid, that if any transient person or persons shall be taken sick or lame, in any town in this State; whoever shall keep any such person or persons (if such transient, sick, or lame person or persons be not of sufficient ability) shall defray all such expense, until complaint thereof be by him made to the select-men of such town; after which, such select-men shall provide for such transient, sick, or lame person, according to law.

AN ACT relating to briefs.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no briefs, craving the charitable contributions of the people in any of the towns or plantations in this State, shall be read, or attended, in any of the said towns or plantations, unless it have the allowance of the Governor and Council, and by them directed into what towns or congregations it shall pass, (except it be on some special occasion, for any distressed or afflicted person of their own inhabitants) upon penalty of the forfeiture of five pounds for every person that shall read and publish any such brief, not allowed and directed as aforesaid; to be recovered by bill, plaint, or information, in any court of record: one third of which penalty or forfeiture shall be to him that shall inform and prosecute to effect, and the other two thirds to the town treasurer where such offence is committed.

AN ACT for the security of this State.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that all securities to this State shall be to the treasurer, in the name and behalf of the General Assembly, and lodged in his office; except securities from the treasurer to the State, which shall be given to the secretary, in the name and behalf of the General Assembly, and lodged in his office. And all suits that shall be commenced against this State, shall be against the treasurer, in the name and behalf of the General Assembly; and all suits that shall be commenced in favor of this State, shall be in the name of the treasurer, in behalf of the Assembly.

And be it further enacted, by the authority aforesaid, that the treasurer-general and trustees of the loan-office, shall provide two sufficient sureties; each to bind themselves with the treasurer and trustee of the loan-office, in the penal sum of ten thousand pounds, for the security of this State, to be lodged in the secretary's office.

AN ACT for the regulating and stating fees.*

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the fees of the several courts and officers shall be as follows, viz:—

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* The several items of fees in this act, are stated in Continental currency, which was materially depreciated at the date of this law.—See preamble to the act regulating fees, passed Nov. 1780.—See, also, act fixing a scale of depreciation, passed April, 1781.

Superior Court's Fees.

Each judge, per day,	£1	10	0
For trying each action,	2	2	0
For each of the jurymen, per day,	0	15	0
For judgment on default,	0	18	0

Clerk's Fees.

For entering each action,	0	1	6
Attachments or summonses, each,	0	3	0
Execution,	0	6	0
For licence to each tavern-keeper,	0	6	0

Assistants or Justices Fees.

Attachments or summonses, each,	0	3	0
When bond is given,	0	4	6
A subpœna,	0	2	0
Entry and trial of an action,	0	12	0
An execution,	0	6	0
Each warrant for criminals,	0	6	0
Bond for appeal,	0	3	0
Copy for evidence,	0	2	0
Copy of a judgment,	0	3	0
Every recognizance,	0	3	0
Judgment on confession or default,	0	6	0
Affidavits taken out of court, each,	0	3	0
Taking the acknowledgment of a deed, mortgage, or other instrument,	0	3	0

Courts of Probate Fees.

For granting administration,	0	9	0
For receiving, and probate of, every will, and inventory, of fifty pounds,	0	12	0
To the clerk,	0	4	6
Receiving and probate of every will, and inventory, above fifty pounds,	0	18	0
To the clerk,	0	6	0
Each quietus, or acquittance,	0	6	0
To the clerk,	0	3	0
Recording every will, and inventory, of fifty pounds, or under,	0	15	0
Recording every will, and inventory, above fifty pounds, and not exceeding one hundred,	0	18	0
Also one shilling and sixpence after the first hundred; and half so much for a copy of the same.			
For making out a commission, receiving and examining the claims of the creditors to insolvent estates, and regulating the same,	0	3	0
For each page of twenty-eight lines, and ten words in a line,	0	3	0

For entering an order upon administrator to pay out the estate unto the several creditors, returned by the commissioners,	£0	3	0
Allowing of accounts, settling and dividing intestate estates,	0	9	0
Appointing guardians, and taking bond,	0	6	0
Each bond for administration,	0	6	0
Each letter of administration,	0	6	0
Each citation,	0	2	0

Secretary's Fees.

For recording laws and orders of public concernment, in the State records, each,	0	6	0
Affixing the State seal,	0	3	0
Each military commission,	0	6	0
Each commission for a justice of the peace,	0	6	0
Each commission for judge of probate,	0	6	0
Each petition to the Assembly,	0	6	0

Sheriffs and Constables Fees.

Serving every summons,	0	2	0
If a copy,	0	3	0
Serving attachment,	0	3	0
Bail bond,	0	4	0
For levying every execution, not exceeding five pounds,	0	12	0
For levying every execution above five, and not exceeding ten pounds,	0	18	0
For levying every execution, not exceeding twenty pounds,	1	10	0
For levying every execution, not exceeding forty pounds,	2	5	0
For any greater sum than forty pounds, shall be allowed after the rate of two shillings more on every twenty pounds above the sum of forty pounds, which shall be levied by the said execution: and the above fees on execution, shall be taken in the same currency that is to be levied by each respective execution.			
Attending at a justice's court, when obliged to attend, for each action tried,	0	6	0
Each mile travel out, at	0	1	6
Sheriff attending the General Assembly, superior or county court, per day,	1	4	0
Constable per day, for like service,	0	18	0
Fees for plaintiff and defendant, attending any court, per day,	0	9	0
Witnesses attending any court, per day,	0	12	0
Travel for plaintiff, defendant, or evidence, to any court, per mile,	0	1	0

Town Clerk's Fees.

	£	s.	d.
For recording a deed, - - -	£0	6	0
For a copy of a deed, - - -	0	6	0
For a survey-bill, - - - - -	0	3	0
For recording a marriage, - - -	0	1	6
For recording a birth, or death, - -	0	1	0
County surveyor's fees, per day, - -	1	4	0

AN ACT to admit Quakers Affirmation.

Whereas, a considerable number of the good people of this State, bearing the denomination of Quakers, being satisfied with the Constitution of this State, yet cannot be qualified as freemen, by reason of the oath or affirmation not being adapted to the rules of their church.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the following affirmation be established for those people that call themselves Quakers.

I ——— ——— solemnly affirm and declare, that whenever I am called to give any vote or suffrage, touching any matter that concerns the State of Vermont, I will do it so as in my conscience I shall judge will most conduce to the best good of the same, as established by Constitution, without fear or favour of any man, on the penalty of perjury.

AN ACT regulating the Payment and Disposal of Fees, Fines and Penalties.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that every person that shall, at any time, be fined for the breach of any penal law, or for other just cause, shall forthwith pay the fine or penalty imposed upon him, or give in good and sufficient security, speedily to do the same, or shall be imprisoned, or bound out and kept in service, until it be paid. And no warrant or distress for levying of fines and penalties, shall be sent out, after the expiration of one year after conviction of the delinquent. That all fees paid for trial of any matter or cause, in the general court, and in the superior court, (the secretary and clerk's fees excepted) and all fines, forfeitures and penalties, imposed on any person or persons, by either of the said courts, for any matter or delinquency, shall be and belong to the State Treasury, for the defraying the public charges of this State.

And all fees paid for the trial of any matter or cause in the respective county courts in this State, (the clerk's fees excepted) and all forfeitures, fines and penalties, imposed on any person or persons, for any matter of delinquency, by any of the said county courts, to defray the charges of the county courts, and other county charges.

And all such fines, forfeitures, and penalties, as shall, by the judgment of any assistant or justice of the peace, be imposed on any person or persons, for any matter of delinquency, shall be and belong to the treasury of the town where such judgment is given.

Always provided, that where any such fines, forfeitures, or penalties, are, or shall be, otherwise ordered, by any express law of the State, they shall be disposed of according to the order of such law; any thing before in this act, to the contrary notwithstanding.

AN ACT for regulating Goals and Goalers.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that there shall be kept and maintained, in good and sufficient repair, a common goal in every head or county town in this State;—the whole charge of building, when there shall be occasion, and of keeping such goals, shall be by the county to which the same belongs. And that the assistants and justices of the peace, in the several counties, shall have full power, and they are hereby impowered, to tax the inhabitants of their respective counties for building, repairing, and furnishing the said goals as need shall require; and, from time to time, to order, direct, and take care of the building, and keeping in repair the said goals.

That all, and every person or persons whatsoever, that shall be committed to the common goal, within any county in this State, by lawful authority, for any offence and misdemeanor, having means and ability thereunto, shall bear their own reasonable charge for conveying or sending them to the said goal; and also the charge of such as shall be appointed to guard them thither; and also of their support while in goal, before they are discharged; and the estate of such person shall be subjected to the payment of such charge; and for want of estate, they may be disposed of in service, to answer the same, according to the law, entitled, "*An Act concerning delinquents*;" unless they shall be freed from the payment of said charge, agreeable to the direction of the law as aforesaid.

That all prisoners shall be permitted to provide, and send for their necessary food, from whence they please; and use such bedding, and linen, and other necessaries, as they think fit, without their being purloined or detained, on their paying for the same. Neither shall any keeper of a common goal demand of them greater fees for their commitment, discharge, or chamber room, than what is allowed by law.

And if any keeper of a common goal shall do, or cause to be done, to any prisoner that is committed to his custody, any wrong, or injury, contrary to the intent of this act, he shall pay treble damages to the party aggrieved, and also such fine as the county court of that county wherein the offence is committed, upon information or complaint to them made, shall (considering all circumstances) impose upon him.

AN ACT relating to Guardians and Minors.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that when, and so often as there shall be occasion, the court of probates, in the several districts in this State, shall be, and they are hereby impowered to allow of guardians, who shall be chosen by minors, of age by law for choosing of guardians; and to appoint guardians for such as shall be within that age. And that when it shall so happen, that there shall be any minor, of age for the choosing a guardian, who hath neither father, guardian, nor master; then each and every of the judges of the said courts of probates, within whose district such minor lives or resides, shall notify such minor to appear before him, and elect some meet person to be his or her guardian; which being done, the same may be allowed, as aforesaid. And upon refusal or neglect to make such election, such judge shall appoint, and the respective judges aforesaid are hereby impowered to appoint, a guardian for such minor, neglecting or refusing as aforesaid. And the power and authority of such guardian shall be as good and effectual, to all intents and purposes, as if first elected by such minor, and thereupon allowed, as aforesaid.

And every judge of probate, on his allowing or appointing any guardian as aforesaid, shall take sufficient security of all such guardians, for the faithful discharge of their trust, according to law; and oblige them to render their account of their guardianship to the court, or minor, when such minor shall arrive at full age, or at such other time as the said court of probate, upon complaint to them made, shall see cause to appoint.

AN ACT for preventing wrong by impresses.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no person shall be compelled to do any work or service for the public, unless it be by warrant from authority, and he have reasonable allowance therefor. Nor shall any man's horse, cattle, or goods, of what kind soever, be impressed, or taken, for any public use or service, unless it be by virtue of such warrant, nor without such reasonable satisfaction. And if such horse, cattle, or goods perish, or suffer damage in such service, the owner shall be duly recompensed.

AN ACT regulating Mills and Millers.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that each miller in this State, or the owners of grist-mills, shall be allowed two quarts out of each bushel of Indian corn he grinds; and for English grain, two quarts out of each bushel, and one pint for bolting; except malt, out of each bushel of which he grinds, he shall have one quart, and no more.

And if any miller shall presume to take or receive a greater toll, or fee, for grinding, than is herein allowed, he shall forfeit and pay the sum of ten shillings, for each time he shall be convicted of the breach of this act; one half whereof shall be to the complainer, who shall prosecute the same to effect, and the other half to the treasury of the town where the offence shall be committed.

And that there shall be provided for every grist-mill within this State, by the owners of such mills, sealed measures, viz; one of a pint, one of a quart, and one of two quarts, for their toll-measures, with an instrument to strike the said measures, which shall be striken when toll is taken of all grain that is brought to the mill, stricken measure, to be ground there.

AN ACT to encourage the destroying of Wolves and Panthers.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that if any person shall kill and destroy any grown wolf, or wolves, or panther, within the bounds of this State, he shall have eight pounds paid out of the public treasury; and half so much for every wolf's whelp that sucks, which he shall kill and destroy; the head or heads of every such wolf, whelp, or panther, being first brought to the select men, or constables of such town wherein such creatures are killed; which select-men, or constables, shall cut off both ears from such head or heads.

And for preventing frauds in obtaining bills on the treasury for the killing the aforesaid creatures.

Be it enacted, by the authority aforesaid, that the select-men and constables within the respective towns in this State, shall (when the head of any wolf, panther, or whelp, is, by any person, brought to them, in order to obtain a certificate for the same) strictly examine the said person or persons, how he or they obtained the head or heads of such wolf, or wolves, panther, or whelp; and whether they were taken and killed within the bounds of this State.

And to prevent fraud being done by one person to another respecting the matters aforesaid,

Be it further enacted by the authority aforesaid, that if any person shall take a wolf out of any pit made to catch wolves in, or out of any trap, thereby to defraud the owner of the pit or trap, of his due, every such person shall pay to the owner or owners of the pit, or trap, the sum of eight pounds for every such offence, and be whipt on the naked back, according to the direction of the authority into whose cognizance it shall come, not exceeding ten stripes.

AN ACT for preserving due order in town meetings, society-meetings, and in the meetings of other communities; and for preventing tumults therein.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that when any town, society, or proprietors meeting, or the meeting of any other community is lawfully assembled, if any person or persons whatsoever, shall, in any such meeting, or assembly, by tumultuous noise, quarrelling, or by any unlawful act, disturb such meeting, or hinder the members thereof from proceeding in an orderly and peaceable manner, to the choice of their moderator, or, after the choice of such moderator, shall villify or abuse him, or interrupt him in the discharge of his trust; or after he has commanded silence in such meeting, shall speak in the meeting, to the disturbance of the business of the meeting, without the moderator's leave first had and obtained, (unless it be to ask reasonable liberty to speak,) such person or persons, so offending, in any of the particulars above mentioned, contrary to the intent of this act, shall, for every such offence, forfeit and pay a fine of twenty shillings, to the treasurer of the town where such offence is committed.

All offences against this act, to be heard and determined before any one councillor, or justice of the peace, unless the offence be aggravated by some notorious breach of peace; in which case the offender shall be bound over by such assistant or justice, to the next county court, to answer for such offence: which court may impose such fine as the aggravation of the offence, in their judgment, deserves, not exceeding fifteen pounds. And that no such meeting shall be adjourned, but by the major part of the members present.

AN ACT for restraining swine from going at large.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that no swine shall be allowed to run at large on the highways or commons in this State: and if any person or persons shall allow their swine to run at large in the highways or commons aforesaid, it shall be the duty of the hayward, in the several towns in this State, (and it shall be lawful for any other person or persons) to impound such swine; and the owner or owners of such swine, shall pay the poundage thereof, by law allowed, before they are released out of pound.

Always provided, that every town in this State shall have liberty to agree otherwise, in their own precincts, respecting the swine in such town.

Provided nevertheless, that if the swine (of such town so agreeing) shall, at any time, come within the bounds of any other town, they shall, in all respects, be under the regulations of this act, as fully as if no such agreement had been made; unless such other town, whereinto such swine shall come, as aforesaid, shall also agree as aforesaid.

AN ACT for the punishment of theft.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that whosoever shall steal, or purloin any money, or chattels, and be thereof convicted, by confession, or other sufficient evidence, every such offender shall forfeit and pay treble the value of the money, goods, or chattels, so stolen, or purloined, unto the owner or owners thereof; and be further punished by fine, at the discretion of the court, assistant, or justice, that hath cognizance of such offence, not exceeding ten pounds.

And if the value of the money, goods, or chattels, so stolen, amount to the sum of six pounds, such offender, stealing the same, to that value, shall, besides the aforesaid forfeiture, be further punished by whipping, not exceeding thirty-nine stripes, for one offence.

And if any such offender be unable to make restitution, and pay such three-fold damages, such offender shall make satisfaction by service; and the prosecutor shall be, and is hereby impowered to dispose of such offender in service, to any subject of this State, for such time as he shall be assigned to such prosecutor by the court, assistant, or justice, before whom the prosecution shall be.

And if any person or persons shall conceal any theft, or receive any stolen goods, knowing them to be such, every such person so concealing, or receiving, shall suffer, and be punished, as he or they who commit the theft.

And that every assistant, and justice of the peace, in the county where such offence is committed, or where the offender is apprehended, is hereby authorised and impowered to hear and determine all offences against this act.——*Provided,* the value of the money, goods, or chattels stolen, do not exceed the sum of ten pounds; any law, usage, or custom, to the contrary notwithstanding.

AN ACT for appointing County Surveyors in the Counties; and for directing and regulating them, in the execution of their office.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that there shall be appointed by the General Assembly, from time to time, as there shall be occasion, one or more persons in each county in this State, to be public or county surveyors, or surveyors for laying out of lands, and for the running of the bounds of lands already laid out, according to their original grants, as need shall require; and for the running of lines, and other services proper for a surveyor to do; who shall be sufficiently skilled in the surveyor's art, and be furnished with instruments suitable and sufficient for that service. And being appointed and qualified as aforesaid, shall have full power and authority to execute said office, in the respective counties for which they are or shall be appointed.

That when, and so often as any county surveyor shall be employed in laying out any grants of land, renewing boundaries that are lost, or running any line, or doing any service in his office, and there be occasion for carrying the chain to measure the lines; that the men employed to carry the chain, shall take the oath by law appointed for them; which oath such surveyor is hereby fully impowered to administer to such chainmen as he calls to his assistance, as aforesaid.

That when a county surveyor is called out to run any line between adjoining proprietors, and that, in order to find the course from boundary to boundary, he is obliged to run a random line to find the certain and true course, and in so doing runs on the land of adjoining proprietors; such surveyors shall not be deemed guilty of trespass in so running such random line, but may lawfully do the same.——*Provided*, he do the said service in either the months of March, April, October, or November.

Be it further enacted by the authority aforesaid, that if any person or persons shall, by any way or means, oppose, hinder, or interrupt any county surveyor, in the due execution of his office; or shall, by any way or means, oppose, hinder, or interrupt any committee appointed by the General Assembly to run, fix, or ascertain the bounds or lines between particular townships, or proprietors, or for other business; or any other person by them employed to assist in the running and fixing any such line, or doing any other business such committee are appointed to do; every such offender shall incur the penalty of five pounds, and be bound to his good behaviour, with one or more sureties, at the discretion of the court that hath cognizance of such offence; the one moiety of which penalty to be paid to the treasurer of the county wherein the offence is committed, and the other moiety to the person who shall prosecute the same to effect.

AN ACT for regulating the election of Governor, Deputy-Governor, Council, and Treasurer.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the constables in the several towns in this State, without further order, shall, by themselves, or some person deputed by them, warn all the freemen in their respective towns to meet together at some suitable place by them appointed in said town, on the first Tuesday of September annually, at nine of the clock in the morning; at which time shall be read the freemen's oath, and the last paragraph of this act, against disorderly voting; who then shall proceed first to choose representatives to attend the General Assembly for the year ensuing, on the second Thursday of the succeeding October. Then the freemen shall proceed to bring in to the constable present, the name of him whom they would choose to be governor for the year ensuing, fairly written on a piece of paper; which the said constable shall receive, and, in the presence of the freemen, seal up the same in a piece of paper, and write on the outside of the paper so sealed, the name of the town, and then add these words, viz. *Votes for the Governor*—in like manner for the deputy-governor, and treasurer. Then said constable shall call upon the freemen to give in their votes for twelve assistants, or councillors, for the year ensuing, with their names fairly written; which votes shall be counted and sorted by said constable, who shall then make a proper list, on one sheet or piece of paper, of the names of the several persons voted for, with the number of votes for each person affixed to his name; which paper shall be sealed up by said constable, in the presence of the freemen, and wrote on the outside, the name of the town, and then these words, viz. *Votes for Assistants, or Councillors*, and delivered to one of the representatives chosen for said town to attend the General Assembly, who shall deliver the same to said Assembly.

And, at the opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes, to be governor for the year ensuing: and if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a governor; and the deputy-governor and treasurer shall be chosen in like manner.

Then said committee shall proceed to receive, sort, and count the votes for the councillors, and the twelve highest in nomination shall be declared to be chosen councillors or assistants, for the year ensuing.

And be it further enacted by the authority aforesaid, that if any constable shall refuse or neglect to attend such order as aforesaid, (annually) he shall forfeit and pay to the treasury of the town, the sum of five pounds, for every such neglect.

And if no constable be present at such freemen's meeting, an assistant, justice of the peace, or one or more of the select-men of said town, shall supply the place of the constable.

Be it further enacted by the authority aforesaid, that every man of the full age of twenty-one years, having resided in this State for the space of one year next before the election of representatives, and is of a quiet and peaceable behavior, and will take the following oath (or affirmation) shall be intitled to all the privileges of a freemen of this State, viz:—

You —— —— solemnly swear by the ever living God, (or affirm in presence of Almighty God) that whenever you are called to give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.

Be it further enacted by the authority aforesaid, that no person shall be admitted to take the freeman's oath, until they have obtained the approbation of the select-men of the town, signifying that they are qualified according to this act; which oath any one assistant, justice of the peace, or town-clerk, in their absence, is hereby impowered to administer.

And all such persons, admitted and sworn as aforesaid, shall be freemen of the corporation, and their names shall be enrolled in the roll of freemen, in the town-clerk's office of that town wherein they are admitted as aforesaid.

And that if any freeman of this corporation shall walk scandalously, or commit any scandalous offence, it shall be in the power of the superior court in this State, on complaint thereof to them made, to disfranchise such freeman; who shall stand disfranchised, until, by his good behavior, the said superior court shall see cause to restore him to his franchisement or freedom again; which the said court is impowered to do.

And if any person that is not a freeman of this State, admitted and sworn according to law, shall presume to vote, or give in his proxy, in the election of any of the members of the General Assembly, governor, or deputy-governor, treasurer, or councillor; or if any freeman shall put in more than one vote or proxy for one person, in the same election, to one office, he shall pay a fine of five pounds to the treasurer of the town where such offence is committed.

AN ACT directing Town-Clerks in their office and duty.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that the town-clerk, or register, in every town in this State, shall record all marriages, births, and deaths, of persons in their towns; and that all parents, masters, executors, and administrators, respectively, shall bring in to the clerk of the town to which they belong, the names of such persons belonging to them, that shall be born, or die; also, that every new-married man shall bring the time of his marriage, sufficiently proved, either by certificate from him that married him, or by other legal proof, to the clerk,—within one month after such marriage, birth, or death. And every person neglecting, shall forfeit the sum of four shillings; and for every month after the said first month, four shillings.

And the clerks of every town shall, as far as they can come at, give in an account of all such neglects to the grand jury, who shall make presentment thereof to the next assistant, or justice of the peace:—which forfeitures shall be paid to the town-treasurer.

Be it further enacted by the authority aforesaid, that there shall be a suitable book or books for registering, kept in each town in this State, (at the cost of the town) with an index or alphabet to the same; in which book or books, the town-clerk shall record every man's house and lands, granted and measured out to him, with the bounds and quantities of the same, and date the time of his entering all such records.

And the town-clerk in each town, shall keep the town book or books, in their respective towns, and shall truly enter in the said book or books, all votes of the said town, grants, or conveyances of lands, choice of town officers, and other town acts and matters, upon his oath; (except when, at any town-meeting, he shall necessarily be absent) and shall grant copies of the same, as need shall require, for reasonable satisfaction.

AN ACT for laying out and altering Highways.

Be it enacted, and it is hereby enacted, by the representatives of the freemen of the State of Vermont, in General Assembly met, and by the authority of the same, that where a new highway, or common road, from town to town, or place to place, shall be found necessary, and where old highways, with more conveniency, may be turned or altered; that, upon any person or persons making application, the select-men of each town, respectively, be, and are hereby impowered, by themselves or others whom they shall appoint, to lay out, or cause to be laid out, such roads, and likewise private ways, for such town only, as shall be thought necessary, so as no damage is done to any particular person in his land or property, without due recompence be made by the town, as the select-men and the parties interested may agree: but if such owners or proprietors shall not be satisfied with what the select-men offer by way of recompence for their damage, they have liberty of making application to one assistant or justice of peace, who is hereby impowered to grant a summons to the sheriff of the county, or constable of such town, to cause to appear before him, not more than seven, or less than three freeholders, who, being sworn, shall appraise the damages, and make final order thereon. And if it be found there were no grounds of complaint, the complainer shall pay all charges arising thereby.

That if any person, being summoned to serve as aforesaid, shall neglect to attend the same, he shall incur the penalty of twenty shillings to the town treasurer where such person dwells; to be recovered by bill, plaint, or information.

Be it further enacted by the authority aforesaid, that the select-men aforesaid shall make, or cause to be made, a true survey of all such roads or highways; which shall be recorded in the town-clerk's office in their respective towns.

Always provided, that the cost arising by surveying and laying out all roads, together with all damages that shall be found due to the owner of said lands, be, and is hereby ordered to be paid out of the town treasury of the town wherein such road lieth.

Be it further enacted by the authority aforesaid, that where allowance is made for highways, in, or adjoining, any lot of land, that the owner shall not be intitled to any damages; but the roads to be laid as above.

AN ACT for making and repairing public High-Ways.

Be it enacted, &c. that there shall be to the amount of four days work to each male person, from sixteen years old to sixty, (except ministers of the gospel, improved within their respective towns) for making and repairing high-ways, in the following manner, viz; the select-men of each town shall make a rate on the list of the polls and rateable estate of each town, to the amount of four days to each person as aforesaid, at eighteen shillings per day, and deliver the same, or a copy thereof, to each surveyor within the respective towns; who shall warn the inhabitants of their respective towns to work at high-ways, to the amount of their rates, at eighteen shillings per day, between the fifteenth day of May and the fifteenth day of June, and between the fifteenth day of September and fifteenth day of October annually.

And if any person or persons shall refuse or neglect to do their proportion of their respective rates, according to the warning, they shall forfeit and pay thirty shillings, in lieu of every day's work they neglect to perform, provided they have three days warning.

Be it further enacted, &c. that the surveyors of high-ways shall make return of all the persons so neglecting, their names, and number of days, within six days after such neglect, to the next assistant, or justice of the peace: and if the said person or persons doth not, within six days next after such return, shew sufficient reason why he did not comply with the order of such surveyor, then the said assistant, or justice of the peace, shall grant his warrant against the goods or chattels of such delinquent or delinquents, directed to the sheriff, his deputy, or constable of the town where the delinquents dwell, to collect the forfeitures, together with additional cost; which money shall be delivered to such such surveyor, to be by him laid out for the purpose of making and repairing highways:—such goods or chattels shall be, by said officer, sold at public vendue, after having been posted at least ten days before such sale, and the overplus, if any there be, to be returned to the owner.

And that the surveyors shall have power to order out such number of persons as they shall think proper, to mend the roads, on any extraordinary occasion, at any time; and the pay therefor shall be deducted out of such persons rates who shall do such labor.

AN ACT for the regulating Ferries and Ferriages within this State.

Whereas, it has been found by experience, that great advantage (of travellers and others) has been taken, by ferrymen demanding an unreasonable price for ferrying—and whereas this assembly cannot so knowingly distinguish between the several rivers, and the several parts of the same river, pond, or lake, on account of distance, swiftness of water, number of travellers, &c.—Therefore, to prevent such impositions for the future,

Be it enacted, &c. that the magistrates, select-men, and constables of the several towns where ferries are needed, shall meet before the first day of August, annually, at time and place by them agreed on, and appoint proper persons and places for ferries, and provide suitable roads to and from the same; and further regulate the price thereof, according to the profits of such ferries, and the price of labor, to be varied from time to time, as occasion shall require.

And where two or more towns shall border on the same river, pond, or lake, opposite to each other, being within this State,

Be it further enacted, &c. that the magistrates, select-men, and constables of such towns, shall meet together for the purposes, and by the time aforesaid.

And if any person or persons shall violate this act, by demanding any greater sum for ferriage, than that stated by the authority aforesaid, he or they shall, for every such offence, forfeit the sum of fifteen shillings; one half to the informer, and the other half to the town treasurer where such offence is committed; to be recovered by bill, plaint, or information, before any one assistant or justice of the peace, in the county where such offence is committed.

AN ACT for the appointment and regulating Attornies.

For the well ordering proceedings, and pleas at the bar,

Be it enacted, &c. that the superior and county courts in this State, shall appoint, and they are hereby impowered to approve of, nominate, and appoint, attornies in this State, as there shall be occasion, to plead at the bar; which attornies shall, before such court, take the following oath, viz:—

You —— —— swear, by the ever living God, that you will do no falsehood, nor consent to any to be done in the court; and if you know of any to be done, you shall give knowledge thereof to the judges, or justices of the court, or some of them, that it may be reformed:—you shall not, wittingly and willingly, or knowingly, promote, sue, or procure to be sued, any false or unlawful suit, nor give aid or consent to the same;—yon shall demean yourself in the office of an attorney within the court, according to the best of your learing and discretion, and with all good fidelity, as well to the court, as to the client. So help you God.

The administration and taking of which oath, together with the said appointment, shall be registered by the clerk of said court, and be a sufficient evidence of his admission as an attorney at the bar.

And that no person (except in his own case) shall be admitted to make any plea at the bar, in any superior or county court, but such as are allowed and qualified attornies as aforesaid, except he obtain special liberty from said court.

And whosoever shall transgress the rules of pleading appointed by any court, shall be liable to suffer such fine for every such offence, as the said courts shall impose, not exceeding the sum of five pounds.

That in all cases whatsoever, there shall be allowed but one attorney on a side, to plead at the bar.

And the fees of such attornies shall be as stated in the table of fees. And the party that shall recover judgment shall have his attorney's fees according to the above regulations, allowed as part of cost of trial.

And be it further enacted, &c. that in each county in this State there shall be one State's attorney, who shall prosecute, manage, and plead, in the county where he is appointed, in all matters proper for and in behalf of this and the United States; which attornies shall be appointed by the respective county courts.

And that the several attornies who shall be allowed and appointed as aforesaid, shall, from time to time, be under the directions of the courts before whom they shall plead, who shall and may displace, and wholly suspend any of said attornies, or fine them, as is before, in this act, provided.

Be it further enacted, &c. that no attorney's fees be allowed, or taxed, in any bill of cost in any justices' court, any thing in this act notwithstanding.

AN ACT for the punishment of Drunkennesss.

Be it enacted, &c. that if any person shall be found drunken, so that he, or she, be thereby bereaved and disabled in the use of his or her reason and understanding, appearing either in his or her speech, gesture, or behavior, and be thereof convicted, he or she shall forfeit, as a fine, the sum of eight shillings for every such offence, to the treasurer of the town where the offence is committed, for the use of the poor therein; and for want of goods whereon to make distress, the offender, or offenders, shall sit in the stocks, there to remain not to exceed three hours, nor less than one hour.

AN ACT against profane swearing and cursing.

Be it enacted, &c. that if any person or persons within this State, shall swear profanely, either by the holy name of GOD, or any other oath; or sinfully and wickedly curse any person or persons—such person, so offending, shall, upon conviction thereof, before one assistant or justice of the peace, forfeit and pay for every such offence, the sum of six shillings. And if such person or persons, so convicted, shall not be able, or shall refuse to pay the aforesaid fine, he or they shall sit in the stocks, not exceeding three hours, and not less than one hour, for one offence, and pay cost of prosecution.

AN ACT directing Constables in their office and duty.

Be it enacted, &c. that one constable in each respective town in this State, shall be chosen to levy and gather the State's tax in such town; and it shall be his duty to collect such tax, when properly authorised thereto by the treasurer, and shall also make up his accounts with the treasurer.

Be it further enacted, &c. that every person tendered to any constable of any town in this State, by any constable, or other officer belonging to any of the neighboring States, with a warrant from any of their authority, shall presently be received, and forthwith conveyed from constable to constable, by the respective constables in this State, until such person shall be brought unto the place to which he or she is sent, or before some assistant or justice of the peace in this State, who shall dispose of him or them as the justice of the case shall require.

That every constable shall duly receive all hue-and-cries, and the same diligently pursue to full effect; such as are granted and sent out after capital or criminal offenders, at the cost and charge of this State; but such as are taken out by particular persons, in their own cases, at the cost and charge of those who take them out.

That every constable within this State, is hereby authorised, and fully impowered, to put forth pursuits, or hue-and-cries, after murderers, peace breakers, thieves, robbers, burglarers, and any other capital offenders, where no magistrate or justice of the peace is near at hand:—as also, without warrant, to apprehend such as are overtaken with drink—guilty of profane swearing, sabbath-breaking, lying; also vagrant persons, and unseasonable night-walkers;—provided they be taken and apprehended in the fact, either by the sight of the constable, or present immediate information of some others:—as also, to make search for all such persons, either on the sabbath, or other days, when there shall be occasion, in taverns, and other suspected places or houses; and those to apprehend, and keep in safe custody, till opportunity serves to bring them before the next assistant or justice of the peace, for further examination, in order to their being proceeded against, according to law.

That each and every constable shall have power and authority to serve and execute such lawful precepts, writs, or warrants, as are directed to them from lawful authority, within the town only where he belongs: and shall have the power of water-bailiffs in the several respective towns in this State, when and where there shall be occasion for the same.

Provided nevertheless, that when any constable is employed or commanded by any assistant or justice of the peace, to apprehend or arrest any person or persons, he shall not do it without a warrant in writing.

Be it further enacted, &c. that all constables may, and from time to time shall make diligent search, throughout the limits of their town, upon the Lord's days, and on all other times, as oft as they shall be informed, or see cause, for such offenders as shall lie tippling in any inn, or house of entertainment, or private house, excessively, or unseasonably; and after such as retail strong drink without licence: and also warn all those that frequent public houses, and spend their time there idly, to forbear; and also warn all those that keep such houses, not to suffer any such persons in their houses: and to make due presentment of all breaches of law (coming within their knowledge) to some authority proper to receive the same, once in every month.

And if upon due information, any constable shall refuse or neglect to make such search, seizure, and presentment, and be thereof legally convicted, he shall pay a fine of five pounds to the treasury of the town whereto he belongs.

And the better to enable, and more effectually to oblige the respective constables to execute their office.

Be it further enacted, &c. that if any person shall refuse, at any time, to assist any constable in the execution of his office, being by him duly thereunto required, he shall forfeit five pounds.

And if it appear that any person shall wilfully, obstinately, or contemptuously refuse to assist such constable, as is before expressed, he shall forfeit and pay to the use of the town where the offence is committed, ten pounds: the said offence to be heard and tried by an assistant, or justice of the peace.

And if any constable, or other person, upon urgent occasion, shall refuse to use his best endeavors in raising and prosecuting hue-and-cries, either by foot or upon horse (if need be) after capital offenders, he shall forfeit the sum of forty shillings to the use aforesaid; and to be determined as aforesaid.

AN ACT against counterfeiting bills of public credit, coins, or currencies; and emitting, and passing bills or notes on private credit; and to prevent injustice in passing counterfeit bills.

Be it enacted, &c. that whosoever shall presume to forge, counterfeit, or alter any of the bills of credit of this or the other American States, that now are, or hereafter shall be, by law emitted, and established current, either in this or any of the aforesaid States; or that shall utter or put off any such forged, counterfeit, or altered bills, or coin, knowing them to be such; or that shall counsel, advise, procure, or any ways assist in the forging, counterfeiting, imprinting, stamping, altering or signing of any false, forged, and counterfeit bill or bills, or coins, knowing them to be such; or shall engrave any plate, or make any other instrument to be used for that purpose; every person or persons, so offending, being convicted thereof before any of the superior courts in this State, shall be punished by having his right ear cut off, and shall be branded with the capital letter C, on a hot iron, and be committed to a work-house, there to be confined and kept to work, under the care of a master, and not to depart therefrom without special leave from the Assembly of this State, until the day of his death, under the penalty of being severely whipped by order of any court, assistant or justice, and thereupon to be returned to his former confinement and labor. And all the estate of any person offending as aforesaid, shall be forfeited to this State, and may be accordingly seized for that purpose, by order of the court before whom such offender is convicted.

And that such offenders may more effectually be discovered and prosecuted,

Be it further enacted, &c. that whosoever shall make discovery, and give information, of such vile and wicked practices of making and altering any such bills or coins; or of making any of the instruments aforesaid; or of aiding therein, so that the person or persons guilty thereof, be tendered to justice, and convicted; every such informer shall have and receive as a reward for his good service in discovering and informing as aforesaid, the sum of ten pounds.

And the more effectually to prevent the passing such counterfeit, forged, or altered bills, and injustice arising thereby,

Be it further enacted, &c. that when, and so often as it shall happen, that any such false, forged, altered, or counterfeit bill, shall be brought to the treasurer of this State, or offered to him in payment of rates, or to be exchanged, he shall secure them; and he is hereby authorised to seize and retain them, entering on the back thereof the name of the persons in whose possession they were, and then deliver the same into the hands of some authority, to be enquired into.

And every assistant, and justice of the peace, is hereby also authorised and impowered to seize and take into his custody every such bill, which he-shall see, observe, or have knowledge of, and the same to retain, entering on the backside thereof, the name of the person from whom he took the same; and at his discretion, to cause the person from whom he took such bill and lodged with him, to come before him, to be examined in the premises; and to administer an oath to such person or persons, to declare of whom he or they received it; and proceed in his inquiries, in manner aforesaid, after the author of the mischief, as far as such authority's discretion will guide him.

Be it further enacted, &c. that whensoever any person shall be the possessor of any such false or counterfeit bill, he shall (on his discovering it to be such) deliver the same to some assistant, or justice of the peace, and inform him, that he concludes the same to be false and counterfeit; and if such assistant or justice shall suppose the same to be false, as aforesaid, he shall take the same, and write the name of the person of whom he received it, on the back of said bill, and that it was delivered to him as a counterfeit bill. And such person that so delivers up such bill, or from whom such bill is taken, in either of the methods aforesaid, may, after such delivery, or taking, go to the person of whom he received the same, and demand of him pay therefor, informing him where such bill is lodged.

And if the person of whom he received said bill, shall refuse or neglect to make him satisfaction therefor, he may bring his action for his damage, in not paying him for said bill, or for putting off said bill to him, before any court, assistant, or justice of the peace, proper to try the same; alledging the same to be taken or delivered up as aforesaid. And in the trial of any such case, if the bill be found to be false, forged, or counterfeit, to the satisfaction of the court that tries the same, the said court shall proceed to enquire into the equity of the cause, by examining the parties under oath, and taking any other evidences, as they shall judge just and right; and upon their finding, to their satisfaction, that such plaintiff received the same bill of the defendant for a true bill, they shall give judgment for the plaintiff, for his just damages and cost.

Provided always, such bill be delivered up, or taken as aforesaid, before the plaintiff offered the same back to the person of whom he received it.

Provided also, that no person be prosecuted in form as aforesaid, but within one year after he puts off such bill; which fact may be enquired into in form aforesaid.

Be it further enacted, that all and every person that hath, at any time, had any such bill that shall be taken from the possessor, or shall by the possessor be delivered up as aforesaid, and hath satisfied the person to whom he put off said bill, for the same, shall have the like liberty of prosecuting and taking remedy as aforesaid, against the person of whom he received the same.

And that every assistant or justice that shall have such bill in hand, shall, at the cost of the party, safely convey the same to any court where the same may be wanted in the trial of the case. And that if any court, assistant, or justice, had the possession of such false, counterfeit bill, the space of one year, he or they shall destroy the same.

And whereas the putting out, and passing of bills, notes, or coins, to be used and improved as a general currency, or medium of trade, on private funds or credit, is an infringement on the right and power of the State, and would greatly depreciate the public credit, and tend to create confusion, injustice, and mischiefs amonst the subjects of this State:—Therefore,

Be it further enacted, &c. that if any person, society, number of persons, or company, within this State, shall presume to strike, emit, or put out, any bills of credit, of the nature or tenor of the bills of credit in this State, on any funds or credit of any person or persons, society, or company, to be used and improved as a general currency, or medium of trade, as, and in lieu of money; such person, or persons, society, or company, and every of them, shall be subject to the same pains, penalties, and forfeitures, and be punished in the same manner as those are by this act subjected to, who shall be convicted of forging or counterfeiting the bills of credit emitted by this State.

And that if any person or persons in this State, shall utter, vend, or pass, any bills, notes, or coins, or any other currencies whatsoever, which either have been, or hereafter shall be used as aforesaid, on the fund or credit of any private person or persons, society or company whatsoever, either in this or the neighboring States; he or they, so offending, shall forfeit double the sum or value expressed in such bill, note, or other currency; the one half thereof to him or them that shall prosecute the same to effect, and the other half to the town treasurer, when the trial shall be before an assistant or justice; and to the county treasurer, when it shall be before the county court.

And all grand-jurors and constables are hereby required to make presentment of all breaches of this act.

AN ACT for authenticating Deeds and Conveyances.

For preventing fraudulent and uncertain sales of houses and lands,—and to the intent it may be better known what title or interest persons have in or to such estates as they shall offer to sale,

Be it enacted, &c. that henceforth, all deeds or conveyances of any houses or lands, within this State, signed and sealed by the parties granting the same, having good and lawful right or authority thereto, and attested by two or more witnesses, and acknowledged by such grantor or grantors, before an assistant or justice of the peace, and recorded at length in the town clerk's records where such houses and lands do lie, shall be valid to pass, without any other act or ceremony in the law whatsoever. And that no bargain, sale, or mortgage, or other conveyance, of houses or lands, made and executed within this State, shall be valid in law, to hold such houses and lands against any other person or persons but the grantor or grantors, and their heirs only, unless the deed or deeds thereof, be acknowledged and recorded, in manner as is before expressed.

Provided nevertheless, that when, and so often as it shall happen, that any grantor shall live in parts beyond the sea, or be removed out of this State, or be dead before any deed or conveyance by him or her so made, be acknowledged as aforesaid; or in case the grantor or vendor neglects or refuses to acknowledge, as before mentioned, being thereto required by the grantee or vendee, his, her, or their attorney, executors, administrators, heirs, or assigns; in every such case, the proof of such deed or conveyance, made by the oath of the witnesses, before an assistant, or judge of the superior or county court, shall be esteemed in law, equivalent to the party's own acknowledgment thereof.

Be it further enacted, &c that any mortgagee of any lands or tenements, his or her heirs, executors, or administrators, having received full satisfaction and payment of all such sum or sums of money, shall, at the request of the mortgager, his heirs, executors, or administrators, acknowledge and cause such satisfaction and payment to be entered in the margin of the records of such mortgage, and shall sign the same; which shall thereafter, forever discharge, defease, and release sueh mortgager, and perpetually bar all actions to be brought thereupon, in any court of record.

And if such mortgagee, his or her heirs, executors, or administrators, shall not, within ten days next after request in that behalf made, and tender of his or their reasonable charges, repair to the records, and there make and sign such acknowledgment as aforesaid, or otherwise sign and seal a discharge of the said mortgage, and release and quit claim to the estate therein mentioned to be granted, and acknowledge the same before an assistant or justice of the peace, he, she, or they so refusing, shall be liable to make good all damages for want of such discharge or release, to be recovered by action or suit in any court of record: and in case judgment pass against the party so sued, he, she, or they, so cast, shall pay the adverse party treble cost arising upon such suit.

Be it further enacted, that the town clerks in the several towns in this State, shall fairly enter and record at length in their records, all deeds, conveyances, and mortgages of lands, tenements, rents, or other hereditaments, lying and being within the town where such clerk's records are kept, within this State,—made, executed, and acknowledged or received in manner aforesaid, which shall be brought to him to record; and shall, on receipt thereof in his office, note thereon the day, month, and year, when he received the same, and the record shall bear date accordingly.

Provided also, that where there are no inhabitants in such town, and consequently no town clerk or register, in every such case, such grants or deeds shall be recorded in the town clerk's record in the next adjoining town: and in case there is no clerk's office in any adjoining town, then such grants or deeds shall be recorded in the records of the county clerk in the county where the lands are, any thing in this act to the contrary notwithstanding.

And be it enacted, that if any town clerk or register, within this State, shall neglect to do and perform his duty according to this act, and be thereof convicted, he shall pay a fine of five pounds to the treasurer of the town whereto he belongs, for every such neglect.

Be it further enacted, that any person or persons, having signed, sealed, and delivered, a deed or grant of land, or buildings, and shall refuse to acknowledge the same; in such case, the person or persons to whom such deed or grant was made, shall make application to an assistant or justice of the peace (who are hereby authorised to hear and determine the same) for a warrant to bring such person or persons immediately before him, and shew cause, if any there be, why he refuses to acknowledge the said deed or grant; and if it doth not appear to the said assistant or justice of the peace, that the said grantor has just grounds to refuse to acknowledge the same; and he or they still continuing to refuse, the said assistant or justice of the peace, may commit the said grantor or grantors to goal, there to remain until he or they do acknowledge the said grant or deed.

Provided always, that the party grieved have liberty to appeal from the judgment of said assistant or justice of the peace, unto the next county court in said county; and either party shall be debarred from making any conveyance of said premises, in the mean time, or until the matter be determined by said county court.

AN ACT for the punishing of trespasses in divers cases, and directing proceedings therein.

Be it enacted, &c. that no person or persons shall cut, fell, or destroy, or carry away any tree or trees, timber, stone, or under wood whatsoever, standing, lying, or growing, on the land of any other person or persons within this State, without leave of the owner or owners of such lands, on pain that every person so cutting, felling and destroying, or carrying away the same, shall, for every such trespass, forfeit and pay to the party or parties injured or trespassed upon, the sum of ten shillings for every tree of one foot over, and for all trees of a greater dimension three times the value thereof, besides ten shillings as aforesaid, and five shillings for every tree or pole under that dimension; which several penalties, forfeitures, and damages, shall and may be recovered by action, bill, plaint, or information, upon conviction of the trespasser or trespassers.

Provided always, that no person that is not a resident of the town where the trespass is done, shall be enabled, by virtue of this act, to prosecute another for trespass done on his unimproved lands, by cutting timber for any public use.

Always provided, that the proprietors of common or undivided lands in the respective towns, may grant liberty for the cutting or felling any tree or trees, or carrying away timber, wood, or under wood, growing or lying on their common or undivided lands, under such regulations and restrictions as they, or the major part of them, shall agree in their legal meeting; and if they shall see cause, may appoint and impower their agents or attornies in their place or stead, to prosecute any person or persons that shall trespass on their undivided lands, contrary to this act.

And the like power is hereby also given to the inhabitants of the several towns in their respective town meetings, with respect to the timber, wood, or under wood, growing or lying on lands within their township, sequestered for public uses.

Provided also, and it is hereby enacted, that when the court, assistant or justice, before whom any trial upon this act shall be had, shall be well satisfied that the defendant was guilty through mistake, and that he really believed the timber, stone, or trees, complained of, was, when growing, on his own or some other person's land where he had a right to cut, &c. That, in such case, the defendant shall be sentenced to pay to the plaintiff only the just value of the timber felled, taken away, or destroyed, and cost of trial, and no more.

Be it further enacted, that if any person or persons shall unlawfully throw down, or leave open, any bars, gates, or fence or fences, belonging to, or inclosing any common field, or any lands held in propriety, or common, or belonging to any particular person or persons, within this State, shall, for every such trespass, upon conviction thereof, forfeit and pay to the parties injured thereby, double damages, and also a sum not exceeding twenty-five shillings, according to the nature and aggravation of the trespass, to be recovered in manner as aforesaid.

Be it further enacted, that every person or persons that shall set fire on any land in this State, that shall run into any common and undivided lands, or towns, commons, or lands belonging to any particular person or persons; such person or persons setting such fire, or that shall be aiding and assisting therein, shall pay and satisfy to the owner or owners of the lands, all damages that shall be done by such fire, except he make it appear that the damage happened by inevitable accident.

That if any person or persons, having their faces blacked, painted, or any ways disguised, shall, either by day or by night, commit any of the trespasses aforesaid; or shall beat or abuse any of the subjects of this or any other of the American States, and be thereof convicted by due course of law; such person or persons, so trespassing, shall, over and above the penalties and damages aforesaid, be publicly whipped, not exceeding ten stripes, as the nature of the trespass may require.

That if any horse, or other beast, shall trespass in any corn-field, or other iuclosure, being fenced in such sort as secures against cows, oxen, calves, and such like cattle, the party or parties trespassed upon, shall procure two able men, of good report and credit, to view and adjudge the harms done, which the owner or owners of the beast or beasts shall satisfy, where known, upon reasonable demand, whether the beasts shall be impounded or not: but if the owner or owners be known, or near residing, as in the same town, or the like, notice thereof shall be given to him or them, or left at the place of his or their usual abode, before an estimation be made thereof, to the end he or they, or some other person appointed by him or them, may be present when the judgment is made; the like notice also, shall be left for him or them, of the damage charged upon them, that if he or they shall not approve thereof, he or they may repair to the select-men, or some of them, who shall, in such case, nominate and appoint two able and indifferent men, to review and adjudge the said harms; which being forthwith discharged and paid, together with the charge of notice, former and latter view, and determination of damages, the first judgment to be void.

Provided always, that when damage is done to any person or persons, if it appear to be done or happen by the mere default of him or them to whom the damage is done, it shall be judged no trespass, and no damage shall be given.

AN ACT for the settlement of testate and intestate estates.

Be it enacted, &c. that the executor, or executors, named by the testator of any last will or testament, or such other person or persons to whom the administration of the estate of persons deceased shall be committed, calling, or taking to him or them, two or more, to whom the deceased person was indebted, or made a league, and upon their refusal, or absence, two other honest persons, being next of kin to the person so dying; or (on their default or absence) two or more honest neighbors, friends to the deceased,—and in their presence, and by their discretion, being under oath, shall make, or cause to be made, a true and perfect inventory of all the estate of the person deceased, as well moveable as not moveable, whatsoever, and the same shall cause to be indented; whereof the one part, by the said executor, or executors, administrator, or administrators, upon his or their oath, or oaths, to be taken before the court which hath power to take probate of wills and testaments, granting administration, and the like, and shall be, by him or them, delivered to the said court of probate, and the other part to be and remain with the said executor, executors, administrator, or administrators. That if any executor or executors of the will of any person deceased, knowing of his or their being so named and appointed, shall not, within the space of thirty days next after the decease of the testator, cause such will to be proved, and recorded in the register's office of that district where the deceased person last dwelt; or present the said will, and declare his or their refusal of the executorship; every executor so neglecting of his or her trust and duty, in that behalf, (without just excuse made and accepted for such delay) shall forfeit the sum of five pounds per month, from and after the expiration of the thirty days, until he or they shall cause probate of such will to be made, or present the same as aforesaid.

And upon any such refusal of the executor or executors, the court of probate shall commit administration of the estate of the deceased, with the will, unto the widow, or next of kin to the deceased; and upon their refusal, to one or more of the principal creditors, as the court shall think fit.

And if the executor or executors of any last will and testament, brought for probate in any of the courts of probates in this State, shall not, within the space of two months next after the probate of such last will and testament, cause such inventory to be made, as aforesaid, and the same to be exhibited in the register's office of the same court of probate where the said will was accepted and recorded; every executor, so neglecting his or her trust, in that case (without just excuse made to the judge of said court, and accepted for such delay) shall forfeit the sum of five pounds per month, from and after the said two months are expired, until he or they shall inventory the said estate, and exhibit the said inventory as aforesaid.

Every such forfeiture, as well for not causing the will to be proved, &c. as for not exhibiting an inventory, as aforesaid, shall be and belong, one moiety thereof to the town treasury of that town where the deceased last dwelt, for the use of said town; and the other moiety to him or them who shall inform or sue for the same, and prosecute to full effect—to be recovered by action or information, in the county where the testator last dwelt.

And if any person or persons shall alienate, or embezzle, any of the goods or chattels of any person deceased, before he or they have taken out letters of administration, and exhibited a true inventory of all the known estate of the said deceased; all and every such person or persons so acting, shall stand chargeable, and be liable to the actions of the creditors, and other persons grieved, as being executors in their own wrong.

And the court of probates shall cause a citation to be made out to the widow, or next of kin; and upon their neglect of appearance, or refusal, may commit administration of any such estate, to some one or more of the chief creditors, if accepted by him or them; or others, as the said court shall think fit, upon their refusal.

And for preventing fraud in concealing any part of the estate of any person deceased,

Be it further enacted, that if any person or persons in this State, shall have in his or their custody or possession, any goods or chattels belonging to the estate of any deceased person; or any bills, bonds, accounts, or such other things as may tend to disclose such estate; and upon demand of the same, made by the executor or administrator of such estate, shall refuse to make delivery, or give a satisfying account thereof to the said executor or administrator; it shall be in the power of the next assistant, or justice of the peace, upon complaint thereof, made to him by the said executor or administrator, to issue a warrant to some fit person, to apprehend such offender, and to bring him or her before such assistant or justice of the peace, who may bind such person, with sufficient sureties, to appear before the next court of probates; and the said court shall be, and is hereby impowered to examine such offender or offenders, under his or their oaths, upon such interrogatories, touching such goods, chattels, bills, bonds, accounts, and other things, tending to disclose the estate aforesaid, as the said court shall think meet. And that if, therein, the offender or offenders shall refuse to be examined upon oath, or to answer fully to every interrogatory to such person or persons, to be administered or put by the said court of probate, it shall be lawful for the said court to commit every such offender to the common goal, there to remain until such person shall better conform.

Be it enacted, that if any of the creditors or legatees of the deceased, are aggrieved by the appraisement of the estate made by the administrator, or the persons by him appointed, they may have relief by application to the court of probates that granted administration; which court is hereby impowered and required to appoint twelve good and lawful men of the neighborhood, and to swear them to make a new appraisement of such estate, at the true value and worth thereof, in common estimation, according to the best of their skill; and the administrator shall be accountable for such estate, according to the appraisement thereof made by the said twelve men; and if he make payment of debts or legacies therewith, or any part thereof, the creditors or legatees shall have such estate at the value stated by such appraisers.

Provided, said application be made to such court within three months after the inventory of such estate be exhibited in to the registry of the said court, and not after.

Be it further enacted, that when, and so often as it shall happen, that any person dies intestate, administration of such intestates shall be granted to the widow, or next of kin to the intestate, or both, as the court of probate shall judge fit; and on granting administration upon the estates of intestates, or others whomsoever, the court of probate granting such administration, shall take sufficient bond, with sureties, of such person or persons to whom administration is granted as aforesaid, for a faithful discharge of that work: which bond shall be conditioned according to the form hereafter in this act directed.

And the court of probates may and shall proceed to call such administrator or administrators to account for, and touching, the estate of such deceased person, whether intestate or other.

And whereas the lands and real estates of persons dying intestate, in this State, by ancient and immemorial custom, and common consent of the people, have descended to and among the children, or next of kin of such intestate, as heirs of such intestate; and the same, by order of the courts of probates, have generally been divided to and among such heirs, in common with the chattels, or moveable estate; and the estates, real and personal, of persons dying intestate, have, ever since the first settlement of this country, been divided among, and settled upon the heirs of such intestates.

And whereas, according to the ancient practice, it is necessary that the real as well as the personal estate be divided by the same court, in order to make a just division of the whole estate; which, by two different courts, proceeding in different methods, and by different rules, cannot be effected.

And whereas, in the courts of common pleas, in the usual manner of proceeding, no such division can be made; but in order thereto, it is necessary that the proceedings therein be in a more summary way.

And whereas, for the more certain, speedy, and just settlement of such estates, according to the said ancient law and custom, it is expedient that some general rules of division, and methods of proceeding, should be established by act of this Assembly:—Therefore,

Be it further enacted, that the courts of probates, (debts, funeral, and other just expenses of all sorts, being by said court first allowed) shall, and are hereby fully impowered, to order and make a just division and distribution of the surplussage, or remaining goods and estate of any such intestate, as well real as personal, in manner following, that is to say,—one third part of the personal estate to the wife of the intestate (if any be) forever, besides her dower, or thirds, in the houses and lands during life, where such wife shall not be otherwise endowed before marriage; and all the residue and remainder of the real and personal estate, by equal portions, to and among the children, and such as shall legally represent them, (if any of them be dead) other than such children who shall have any estate by settlement of the intestate in his life time, equal to the other shares; children advanced by settlement or portions not equal to the other shares, to have so much of the surplussage as shall make the estates of all to be equal; and the same shall be so divided, as that the male heirs shall have their parts in the real estate, so far as the estate will allow; and where there are no sons, the daughters shall inherit as coparceners.

And the division of the estate shall be made by three sufficient freeholders, upon oath, or any two of them, to be appointed by the said court of probate, unless all the parties interested in any estate, being legally capable to act, shall mutually agree upon a division among themselves, and present the same in writing, under their hands and seals; in which case, such agreement shall be accepted and allowed for a settlement of such estate, and be accounted valid in law, being acknowledged by the parties subscribing, before the said court of probates, and put upon record.

Provided nevertheless, that when any estate in houses and lands cannot be divided among the children, without prejudice to, or spoiling of the whole, being so represented and made to appear unto the said court of probates, the said court may order the whole to the eldest son, if he accept it, or to any other of the sons successively, (upon his refusal)—he to whom it shall be ordered, paying to the other children of the deceased, their equal and proportionable parts or shares of the true value of such houses and lands, upon a just appraisement thereof, to be made by three sufficient freeholders, upon oath, to be appointed and sworn as aforesaid; or giving good security to pay the same, in some convenient time, as the said court of probate shall limit, making reasonable allowance in the interest, not exceeding six per centum per annum.

And if any of the children happen to die before he or she come of age, or be married; the portion of such child, deceased, shall be equally divided among the surviviors.

And in case there be no children, nor any legal representatives of them, then one moiety of the personal estate shall be allotted to the wife of the intestate forever, and one third of the real estate for term of life: the residue, both of the real and personal estate, equally to every of the next of kin of the intestate, in equal degree, and those who legally represent them:—no representatives to be admitted among collateral, after brothers and sisters children.

And if there be no wife, all shall be divided and distributed among the children;—

And if there be no child, to the next of kin to the intestate, in equal degree, and their legal representatives as aforesaid.

And every one, to whom any share or part shall be allotted, shall give bond, with sureties, before the said court of probates, (if debts afterwards be made to appear) to refund, and pay back to the administrator, his or her rates, or part thereof, and of the administrator's charges.

And the widow's thirds, or dower, in the real estate, at the expiration of her term, to be also divided as aforesaid, if the same then remain undivided.

Always provided, and it is hereby enacted, that if any person be aggrieved at any order, sentence, or decree, of any court of probates, made for the settlement and distribution of any intestate estate, or at any other order, sentence, decree, or denial, that shall, at any time, be made and given by the said court of probates, referring to the approbation and allowance of any will, grant of administration, or other matters; such person may appeal therefrom, to the superior court, provided they give security, and enter and prosecute such appeals, within the times limited for that purpose, as is provided and directed in the law regulating such appeals.

Be it further enacted, that every court of probate shall, upon granting administration upon the estate of any deceased person, take bond, with sufficient surety or sureties, to the judge of said court, and his successors in that office, with this condition, viz :—

The condition of this obligation is such, that if the above bounden A. B. administrator of all and singular the goods, chattels, credits, and estate of C. D. deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, credits, and estate of the said deceased, which have, or shall, come to the hands, possession, or knowledge of the said A. B. or into the hands or possession of any person or persons for him; and the same so made, do exhibit, or cause to be exhibited, into the registry of the said court of probates, in the district of ——— at or before the —— day of ——— next ensuing; and the same goods, chattels, credits, and estate, and all other the goods, chattels, credits, and estate of the said deceased, at the time of his death, which, at any time after, shall come into the hands or possession of the said A. B. or into the hands or possession of any other person or persons for him,—do well and truly administer according to law—*and further*, do make, or cause to be made, a true and just account of his said administration, at or before the —— day of —— and all the rest, and residue of the said goods, chattels, credits, and estate, which shall be found remaining upon the said administrator's account, the same being first examined and allowed by the said court of probates, shall deliver, and pay unto such person or persons respectively, as the said court of probates, by their decree, or sentence, pursuant to the true intent and meaning of the law, shall limit and appoint: and if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor, or executors, therein named, do exhibit the same into the said court, making request to have it allowed and approved accordingly :—if the said A. B. being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court,—then this obligation to be void, and of none effect; or else to remain in full force and virtue.

And be it further enacted, that all sales and alienations of houses and lands (belonging to the estate left by any deceased person) made by the administrator or administrators of such estate, shall be void and of none effect; unless such sales and alienations shall be made by the allowance and order of the General Assembly of this State, or by the judge finding the estate insolvent.

And all such houses and buildings as appertain to the estate of any person deceased, shall be kept and maintained in tenantable repair, by the revenue of the lands belonging to such estate; and shall, in such repair, be delivered to the heirs, or legatees, at the time of the division or distribution thereof—extraordinary casualties excepted.

Be it further enacted, that whensoever the estate of any person deceased, shall be insufficient to pay the just debts charged upon the same, such estate shall be disposed of by the administrator, in the best way and manner, as the judge shall order; and the produce thereof divided and distributed to the creditors, in proportion to the sums respectively owing to them, so far as the estate will extend; saving the debts due to this State, and for the last sickness, and necessary funeral charges of of the deceased, are to be first paid.

And the executor, or administrator, appointed to administer on such insolvent estate, before payment be made to any person, (except as before excepted) shall represent the condition and circumstances thereof to the judge of probate, who shall nominate and appoint two or more fit and indifferent persons, commissioners, who shall be sworn to a true and faithful performance of their trust; who shall then proceed to appoint times and places to sit and examine the claims on such estate, and publish the same, by setting up or posting notifications thereof, in some public place in the town where such deceased person last resided, and also in the two next county towns. And the said judge shall allow two, six, twelve, or eighteen months (as the circumstances of the estate may require) for the creditors to bring in their claims, and prove their debts: at the end of which limited time, such commissioners shall make their report, and present a list of the claims unto the said judge, who shall order them a meet recompense for their trouble, out of such estate.

And the debts due to this state, and for the last sickness, necessary funeral charges, and cost of settlement, being subducted, the judge shall also order the remainder to be divided to the other creditors that shall have made out and evidenced their claims, as aforesaid, in due proportion as aforesaid; saving to the widow (if any be) such household goods as in this act hereafter are allowed her, and her dower during life; which shall also be sold by the administrator immediately, with the incumbrance of the widow having the use thereof during her life.

Provided always, that notwithstanding the report of any such commissioners, or allowances thereof made by the court of probate, it shall and may be lawful to and for the executors or administrators aforesaid, to contest the proof of any debt, at the common law. And no process in law (except for debts due to this state, and for sickness, and funeral charges) shall be admitted or allowed against the executors or administrators of any insolvent estate, so long as the same shall be depending, as aforesaid.

And whatsoever creditor shall not make out his or her claim, with such commissioners, before the full expiration of the time set and limited for that purpose, as aforesaid; such creditor shall forever after be debarred of his or her debt, unless he or she can shew or find some other or further estate of the deceased, not before discovered and put into the inventory.

And be it further enacted, that when it shall happen the personal estate of a deceased intestate, leaving a widow, is not sufficient for the payment of the debts of the said deceased, besides such household goods as are necessary for the support of life, and are exempted from execution, in the law, intitled, "*An Act for directing and regulating the levying and serving executions;*"—in such cases, the court of probate that grants administration of the estate of the deceased, shall order unto the widow of the said deceased, such necessary household goods as are expressed in said act, for use during life.

AN ACT for the preservation of Deer.

Be it enacted, &c. that no person or persons whatsoever, within this State, at any time between the tenth of January and the tenth of June next following, in each year, annually, forever hereafter, shall any ways whatsoever, kill or destroy, directly or indirectly, any buck, doe, or fawn, on pain that every such person, so offending, and being thereof convicted, shall forfeit and pay for every such offence, the sum of fifteen pounds; the one moiety thereof to the person or persons that shall prosecute the same to effect, and the other moiety to the treasury of the town in which the conviction is made.

And if any person or persons, so convicted, shall be unable to satisfy such judgment, such offender shall be, by the assistant or justice of the peace before whom the offender is convicted, put to, and assigned in service, to the complainer, or some other meet person, a sufficient term of time for the answering such judgment.

Any one assistant, or justice of the peace, shall hear and determine any offences committed against this act.

And the more effectually to detect such offences,

It is further enacted, that if any venison, skin or skins, of any buck, doe, or fawn, newly killed, shall, at any time, wherein the killing thereof is by this act prohibited, be found with, or in possession of, any person or persons whatsoever; such person or persons shall be held and accounted guilty of killing deer, contrary to the intent of this act, as fully as if it was proved against such persons by sufficient witness, *viva voce*; unless such person or persons do bring forth, or make proof who was the person or persons that killed or sold the same; or unless such person can satisfy the judge, before whom the case is tried, that he or they were not the killers, but that the venison, skin or skins were thrust into his or their custody or possession, by some other person, to insnare him or them: in either of which cases, they shall not incur the penalty aforesaid.

That it shall and may be lawful for any person, on just cause of suspicion of the breach of this act, by killing any buck, doe, or fawn, as aforesaid, to take out a search, from the next assistant, or justice of the peace, as in ordinary cases of lost or stolen goods, or the like, to search for venison or skins, that such offenders may be detected.

And the grand-jury-men, and constables, in the respective towns, are hereby strictly required to make diligent enquiry after, and presentment or information make, of all breaches of this act; who, upon their prosecution thereof, shall have the same reward as other informers by this act are intitled to.

AN ACT for preventing and punishing Riots and Rioters.

Be it enacted, &c. that when three persons, or more, shall come or assemble themselves together, to the intent to do any unlawful act, with force and violence, against the person of another, as to kill, beat, or otherwise to hurt; or against his possessession, or goods, as to break open, or to pull down any house, building, or fence, wrongfully; or to cut or take away corn, grass, wood, or other goods, wrongfully; or to do any other unlawful act, with force or violence, against the peace, or to the manifest terror of the people; and being required or commanded by any of the civil authority, by proclamation, to be made in the form herein after directed, shall not disperse themselves, and peaceably depart to their habitations or lawful busines; or, being so assembled as aforesaid, shall do any unlawful act against the person, possessions or goods of any man; or against the public interest, in any particular, in manner as aforesaid, and be thereof convicted before the county or superior court, in the county where this law shall be transgressed and broken, shall be punished by fine, not exceeding, for each person, the sum of two hundred pounds; imprisonment, not exceeding six months, or by whipping, not exceeding forty stripes: and the number convicted shall pay all damage to the aggrieved party, as shall arise by such disorder, together with cost. And whensoever it shall so happen, that there be a number who transgress this law, and one or more of them is unable to pay the damage and cost, the damage and cost shall be paid by the persons who are offenders with them, and are of ability to pay the same:—

Any, or all of the aforesaid punishments, at the discretion of the court that hath cognizance of such offence, as the nature and circumstances of the fact shall require.

That the order and form of the proclamation before-mentioned, shall be as followeth,—that is to say,—the person authorised by this act, shall, among, or as as near as he or they can safely come to said rioters, with a loud voice command, or cause to be commanded, silence to be, whilst proclamation is making; and after that, shall openly, and with a loud voice, make proclamation in these words, or like in effeet, viz.

In the name of the freemen of this State, I command all persons, being assembled, immediately to disperse themselves, and depart to their habitations, or to their lawful business, upon the pains contained in the law of this State, intitled, an act for preventing and punishing riots and rioters.

And every assistant, justice of the peace, sheriff, under-sheriff, select-man, on constable, within their respective jurisdictions, are hereby authorised, impowered, and required, on notice or knowledge of such unlawful and riotous assembly, to resort to the place where such assembly shall be, and there make proclamation as aforesaid.

Be it further enacted, that if such persons, so unlawfully assembled, or any three or more of them, after proclamation made as aforesaid, shall continue together, and not disperse themselves; that then it shall and may be lawful, to and for every assistant, justice of the peace, sheriff, under-sheriff, select-man, or constable, where such riotous assembly shall be, and to and for such other person or persons as shall be commanded to be assisting to such assistant, justice of the peace, sheriff, under-sheriff, select-man, or constable—who are hereby authorised and impowered to command all the inhabitants of this State, to be assisting them therein—to seize and apprehend, and they are hereby required to seize and apprehend such persons, so unlawfully and riotously continuing together, after proclamation made as aforesaid; and forthwith to carry the persons, so apprehended, before some assistant, or justice of the peace, in order to their being proceeded against, according to law.

And if any of the persons, so unlawfully and riotously assembled, shall happen to be killed, maimed, or hurt, in dispersing, or apprehending, or in endeavoring to disperse or apprehend them, by reason of their resisting the persons so dispersing, or endeavoring to disperse or apprehend them; that then, every such assistant, justice of the peace, sheriff, under-sheriff, select-man, or constable, and all and singular the persons being aiding and assisting to them, or any of them, shall be freed, discharged, and indemnified, from any bill, complaint, indictment, or action, that may be commenced against them, on that account.

Be it further enacted, that if any person or persons do, or shall, forcibly, wilfully, and knowingly, oppose, obstruct, or in any manner, wilfully and knowingly oppose, let, hinder, or hurt, any person or persons that shall begin or attempt to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made,—and be thereof convicted by due course of law, shall forfeit or suffer in manner and form as aforesaid.

And that all and every such person or persons, so being unlawfully and riotously assembled, to the number of three as aforesaid, or more, to whom proclamation should or ought to have been made, if the same had not been hindered as aforesaid, shall, likewise, in case they, or any of them, to the number of three, or more, shall continue together, and not immediately disperse themselves, after such let or hindrance, so made, having knowledge of such let or hindrance so made, and be thereof convicted by due course of law, shall forfeit, suffer, or be punished, in manner and form as aforesaid.

Provided always, that no person or persons be punished, by virtue of this act, unless prosecution be commenced within six months after the offence is committed.

AN ACT for appointing of Sheriffs; and for impowering and regulating them in the execution of their office.

Be it enacted, &c. That there shall be a sheriff appointed, according to the constitution, and duly qualified to execute the sheriff's office, in each of the counties in this State, who shall become bound before the Governor and Council, with two sufficient sureties, freeholders in this State, by a recognizance, in the sum of two thousand pounds, for the faithful administration and discharge of said office, and for the answering all such damages as any person or persons shall sustain, by any unfaithfulness or neglect in the same; and before he executes said office, shall, before the governor, or in his absence, the deputy governor, take the oaths required by law, to be taken by such as execute the said office; and shall receive a warrant or commission from the governor, or in his absence, the deputy governor, expressing him to be elected and qualified as aforesaid, authorizing him to execute said office. And every person, being so commissioned, shall be accounted lawful sheriff of the county for which he is appointed; and shall have full power and authority to serve and execute all lawful writs, within their respective counties, to them directed, coming from lawful authority: and shall have and execute the power of water bailiffs, which is hereby annexed to the sheriff's office.

And also shall have full power, within their respective counties, to conserve the peace, and to suppress, with force and strong hand, when the necessity of the case shall so require, all tumults, riots, routs, and other unlawful assemblies; and to apprehend, without warrant, all such as they shall find so as aforesaid, appearing in the disturbance of the peace, and cause them to appear before the next assistant or justice of the peace, who may, as the cause, after examination thereinto, shall require, bind over such offenders to the next county court, in that county wherein the offence is committed; which court, upon conviction, shall punish them, and every of them, agreeable to an act of assembly *for preventing and punishing riots and rioters.*

That the sheriffs aforesaid, shall have full power to command suitable persons within their respective counties,—such number of them as they shall judge needful—to assist them, in the execution of their office, in every branch thereof. And whosoever being of age and ability, and being so commanded, shall neglect or refuse to yield his assistance to any sheriff, in the execution of his office, and be thereof convicted, before the county court of that county, shall pay a fine of twelve pounds, and charges of prosecution.

And each and every constable in this State shall, within their respective towns, have power equal to what is hereby given to sheriffs, in their respective counties.

And in case great opposition shall be made against any sheriff, in executing lawful writs, or in serving lawful writs and processes; or in case there be a suspicion that such great opposition will be made; such sheriff is hereby authorised, by and with the advice of two assistants, or one assistant and one justice of the peace, and of such other assistants and justices as may be present, to raise the militia of the county, or so many of them as they may judge needful, for the removing all opposition out of the way; and shall proceed therein, and be indemnified, as is provided by the law, intitled, *an act for preventing and punishing riots and rioters.*

And all military officers and soldiers, are hereby commanded to yield obedience to the sheriff's commands, in such cases, on the pains and penalties hereafter mentioned.

That if any commissioned officer, or soldier, belonging to the militia of this State, shall neglect or refuse to obey the command of the sheriff, under the regulations aforesaid, and be thereof convicted before the county court, such officer shall pay a fine of thirty pounds; and every such soldier shall pay a fine of twelve pounds: and the charges which shall arise, and the damages which shall be sustained, upon such an occasion, shall be paid and satisfied out of the estates of him or them who are the occasion of it; and in case no estate, or not sufficient to answer the said charges and damages, can be found, it shall be paid out of the county treasury where such case shall happen; and for want of money in the treasury of said county, it shall be paid out of the treasury of this State.

And the sheriff is hereby authorised to seize and dispose of a sufficiency of the offender's estate, if to be found, to answer the charges and damages aforesaid.

And the wages of such officers, soldiers, and other persons, commanded to the assistance of the sheriff, shall be thirty shillings per day for a captain, twenty-four shillings for a subaltern, and twenty shillings for each sentinel, or other person, employed in such service.

And the sheriffs shall have full power to search the houses, in their respective counties, for any persons they shall have warrants from proper authority to apprehend, in matters of delinquency, or of a criminal nature: and any person who shall refuse the sheriff entrance into his house, or threaten him if he does enter, or abuse him, or his assistants, when he or they do enter the house of any person, although it is by force, on such an occasion, and be thereof convicted before the county court, shall forfeit and pay a fine of one hundred pounds, and all damages that shall arise from such disorder.

And the constables shall have the like power and authority in their respective towns; and persons opposing them shall be subject to the same penalties.

And the sheriffs shall not return that they cannot do execution.

And the more effectually to oblige sheriffs and constables to perform the services of their offices,

Be it further enacted, that sheriffs and constables shall receive all manner of writs, in any places, or at any times within their counties or towns, when and wheresoever they shall be tendered to them, and shall execute the same, and make return thereof, according to the directions therein given.

And any person may demand of the sheriff or constable to whom he delivers any writ, to give a receipt therefor, under his hand, wherein the names of the parties, the sum or thing in demand, the date of the writ, and of its delivery shall be contained; and on his refusal, others present may set their hands as witnesses to such delivery.

And if such sheriff or constable shall not execute the writ, or shall neglect to make return thereof, or make a false or undue return; on complaint thereof, made to the court or justice to which it was returnable, the court or justice may enquire thereof, by the evidence produced; and if it be found in default, the court or justice may set a suitable fine upon him, and award damages to the party wronged; having respect unto the quantity and quality of the action, and the damages that might have happened to the aggrieved, by the delay.

Which process, against such sheriff or constable, shall be served at least fourteen days before the sitting of the court, wherein it is to be tried.

And that whensoever any sheriff or constable shall be sued for not executing any writ of execution, delivered to him to be executed, there shall be no appeal or review allowed in any such case.

Provided, receipt be demanded, or received, of such officer, for such writ of execution, at the time of the delivery thereof, as is herein before provided.

Be it further enacted, that whenever any sheriff, or constable, by virtue of any writ of execution, shall seize any goods or chattels, to answer and satisfy such execution, and any person shall appear to receive such goods and chattels in his care, and shall give to such officer a writing, well executed by such person, therein expressing the receipt of such goods and chattels, and thereby promising to re-deliver the same to such officer, and shall fail of performing accordingly, and any action shall be brought by such sheriff or constable, against such person on such receipt, there shall be no appeal or review allowed or granted in such case.

And that no sheriff, under sheriff, sheriff's deputy, or constable, shall be allowed to draw, or fill up, any writ, complaint, process, or declaration, in any case whatsoever; nor appear in any court, as an attorney for, or in behalf of any person whatsoever.

And if it shall appear, in any case, that the writ, process, declaration, or complaint, was drawn or filled up by any sheriff, deputy sheriff, or constable, (their own cases excepted) the same shall be dismissed, and the plaintiff shall be non-suited; any law, usage, or custom to the contrary notwithstanding.

And all processes, served by any sheriff or constable, shall be by them returned to the courts or justices before which the cases are to be tried, before the time set in the processes for trial.

Be it further enacted, that the sheriffs in each county in this State, be, and they are hereby impowered to depute, each of them, two meet persons, to act or officiate as under sheriffs; for whose conduct in said office the sheriffs are to be accountable.

AN ACT regulating Juries and Jurors.

Be it enacted, &c. that whensover any person shall be indicted for treason, felony, or other high-handed misdemeanors, which the superior court shall judge necessary, the sheriff attending such court, being ordered thereto, shall summon twenty-four freeholders of the vicinity for a grand-jury, eighteen at least of whom shall be impannelled and sworn to make due inquiry and presentment in the premises, in behalf of the freemen of this State; and if they do find the bill or indictment to be founded on good and sufficient evidence, they shall write on the bill or indictment,—*a true bill*; and if they do not find the bill or indictment to be supported by evidence they shall write,—*bill not found*; in which case, the person so indicted shall be acquitted, otherwise the court shall proceed to trial; and, in like manner, shall the grand-jury proceed with regard to indictments before the county courts: and the grand-jury summoned by the sheriff to attend the superior court, shall be paid after the same rate as those summoned to attend the county court; and for default or non-attendance, shall be liable to the like penalty.

Provided always, that where the sheriff is a prosecutor, or stands in the relation of father, son, or brother, by nature or marriage, to the prosecutor, or delinquent, or party; landlord, or tenant, to the prosecutor, or delinquent, or party; the court shall order some indifferent person to summon the grand-jury.

Be it further enacted, that some convenient time before the sitting of the superior or county court, the clerk of such court shall issue out warrants, directed to the constables of the several towns within the county where such courts are to sit, or so many of them as shall appear to him to be necessary, to summon so many able freeholders, as the warrant shall direct, to attend and serve as jurors at said court.

And the jurors to attend the superior or county court, shall be summoned to attend at eight of the clock on the second day of the sitting of such courts.

And the constable shall make timely return of the warrant to the clerk who granted the same, with an indorsement thereon, certifying whom he has summoned, for the purpose aforesaid; on pain that every constable, neglecting his duty therein, shall forfeit and pay to the county treasury a fine, not exceeding five pounds, at the discretion of the judges of the court; unless such constable shall seasonably make his excuse, to the acceptance of such court.

That if any juror, summoned as aforesaid, shall make his default of appearance, according to the directions of such warrant, he shall forfeit and pay unto the treasurer of the county wherein he dwells, the sum of thirty shillings; unless the court, before whom the action shall be tried, on hearing the excuses made in his behalf, shall judge them sufficient.

Be it further enacted, that when it shall so happen, that a sufficient number of jurors, summoned as aforesaid, do not appear; or if, by reason of challenges, or other just cause, there shall not be a sufficient number of jurors to make up the pannel or pannels, the court shall order the sheriff to fill up the jury or juries, by summoning a sufficient number of substantial freeholders of the vicinity.

Provided always, that where the sheriff stands in the degrees of relation or connection, before recited in the regulations of the grand-jury, some constable, or indifferent person, shall be ordered to summon the jurors.

And such jury shall be called the petit-jury, and shall, in matters of dispute, determine the matter in issue, with the damages; and in matters of a criminal nature, shall find the delinquent guilty or not guilty; and the judges shall determine the punishment according to law.

Be it further enacted, that whensoever it shall be necessary for a jury to attend a justice's court, in matters of dispute, the parties may mutually agree on the jury, and shall be advised thereto by the magistrate; and upon refusal or neglect of either party, as also in criminal cases, or matters of delinquency, the following method shall be taken to procure and impannel a jury,—that is to say,

The constable shall write the names of eighteen respectable freemen or freeholders of the vicinity, on eighteen distinct pieces of paper of an equal size, and roll each peace up so that the name is not to be seen, and deliver them to the justice, who shall put them into a box, and shaking it, so that they shall mix together, shall draw out one, which person so drawn shall be one of the jury, unless excepted against, or challenged by either of the parties; and so proceed drawing until he has drawn six that are not excepted against or challenged; or in case the first twelve are challenged or excepted against, and the parties do not agree to make choice as aforesaid, the last six shall be the jury; and the jury shall be summoned by the constable, being thereto required by the justice: which jury shall find the matter in issue, and damages, in matters of dispute; and in matters of a criminal nature, or of delinquency, shall find the criminal or delinquent, guilty, or not guilty; and the assistant or justice, or assistants and justices, shall determine the punishment according to law.

Provided always, that whenever the constable shall stand in relation or connection before recited in the regulations of the grand-jury, some indifferent person shall be ordered to write the names of the eighteen freeholders aforesaid, and do all the duty of the constable prescribed in the foregoing paragraph.

And if any juror, drawn and summoned as aforesaid, to attend on a justices court, shall make default of appearance, he shall be liable to the same forfeiture as jurors for the superior or county court are, in such case, unless he shall make sufficient excuse as in that case.

And when it shall so happen that any one or more of the six jurymen, so summoned, cannot be had, and the parties will not agree on a person or persons to fill such vacancy, the constable, or person doing the constable's duty, shall proceed to write the names of three times the number so wanting, on distinct pieces of paper, and deliver, and draw as before mentioned, and in that way fill such vacancy.

Be it further enacted, that the judge or judges of any court, shall have power, if they judge the jury have not attended to the evidence given in, and the true issue of the case, in their verdict, to cause them to return to a second consideration of the case, and shall, for like reason, have power to return them to a third consideration, and no more.

And when the court have committed any case to the consideration of the jury, the jury shall be confined under the care of an officer appointed by the court, until they are agreed on their verdict: and the court may set a suitable fine, not exceeding ten pounds, upon such officer or juryman as shall be disorderly, or neglect or refuse a due attendance of their duties respectively, during their attending such court.

Be it further enacted, that whensoever any person shall be tried for life or limb, he may challenge thirty-five of the petit-jury; and in all other cases, twice the number that are to be impannelled, may be challenged.

That all juries shall have power and authority to choose their foreman: which foreman shall declare their judgment or verdict.

AN ACT for the ordering and preserving Sheep, &c.

Be it enacted, &c. that the inhabitants of the respective towns within this State, at their respective town-meetings, shall have power and authority to make necessary acts for the restraining of rams from going at large, and for securing their sheep from being destroyed by dogs; and for stopping hounds from worrying deer within their towns.

And no damage shall be recovered against any person, for killing any dog or dogs, according to the orders of such town.

And the more effectually to prevent mischiefs being done, by dogs, to sheep in this State,

Be it further enacted, that when any person or persons, living in any town in this State, shall complain to any one of the select-men of such town, of damages done among sheep, by their being wounded, worried, or killed by dogs, in the woods, or elsewhere, in such town, and shall inform such select-man what, and whose dog they suspect did said mischief; such select-man shall consider such complaint, and any other matters that may be offered, to convince him of the reasonableness or unreasonableness of such suspicion; and if he be satisfied there is great suspicion that the dog or dogs complained of have done said mischief, such select-man shall give sentence, that such dog or dogs shall be killed: after which it shall be lawful for any person to kill such dog or dogs.

And if, after such sentence be given, (such dog or dogs not being killed) such mischief shall again be done by dogs, the owner of such sheep, worried, wounded, or killed by dogs, shall recover all his damages against the owner or owners of such dog or dogs, sentenced to be killed as aforesaid: unless, upon trial, the owner or owners of such dog or dogs shall satisfy the court or justice before whom the trial is, that the damages were not done by his or their dog or dogs, sentenced as aforesaid.

Always provided, that the owner or owners of such dog or dogs, be notified of the sentence aforesaid, before the damages sued for was done: and that no prosecution, by virtue of this act, for such damages, be made after six days from the time such damages are done.

AN ACT for the punishment of divers capital and other Felonies.

Be it enacted, &c. that if any person shall conspire, or attempt any invasion, insurrection, or public rebellion against this State; or shall, treacherously and perfidiously, attempt the alteration and subversion of our frame of government, fundamentally established by the constitution of this State, by endeavoring the betraying of the same into the hands of any foreign power, he shall be put to death.

That if any man or woman shall lie with any beast, or brute creature, by carnal copulation; such person shall surely be put to death, and the beast shall be slain and buried.

That if any man lieth with man-kind, as he lieth with a woman, both of them have committed abomination; they both shall surely be put to death. Except it appear that one of the parties were forced, or under fifteen years of age; in which case the party forced, or under the age aforesaid, shall not be liable to suffer the said punishment.

That if any person rise up by false witness, wilfully, and of purpose to take away any man's life; such offender shall be put to death.

That if any person, of the age of sixteen years, or upwards, shall wilfully, and of purpose, burn any house, barn, or out-house, to the prejudice or hazard of any person's life, he shall be put to death. Or if no prejudice or hazard to the life of any person, happen thereby, shall suffer such other severe punishment as the superior court shall determine, and also satisfy all damages to the wronged or aggrieved party.

That if any person, on purpose, and of malice forethought, and by lying in wait, shall cut out or disable the tongue, or put out an eye, or eyes, so that the person is thereby made blind; or shall cut off all, or any of the privy members of any person, or shall be aiding or assisting therein, such offender shall be put to death.

That if any person within this State, shall blaspheme the name of GOD, the Father, SON, or HOLY GHOST, with direct, express presumption, and high-handed blasphemy; or shall curse in the like manner; such person shall be put to death.

AN ACT to prevent the return to this State, of certain persons therein named, and others who have left this State or either of the United States, and joined the enemies thereof.

Whereas ———[*] and many other persons, have voluntarily left this State, or some of the United States of America, and joined the enemies thereof; thereby, not only depriving these States of their personal services, at a time when they ought to have afforded their utmost aid in defending the said States against the invasions of a cruel enemy, but manifesting an inimical disposition to said States, and a design to aid and abet the enemies thereof, in their wicked purposes.

And whereas many mischiefs may accrue to this, and the United States, if such persons should again be admitted to reside in this State.

Which to prevent,

Be it enacted, &c. that if the said ——— ———, or any of the before mentioned persons, or either of them, or any other person or persons, though not specially named in this act, who have voluntarily left this State, or either of the United States, and joined the enemies thereof, as aforesaid, shall, after the passing this act, voluntarily return to this State, it shall be the duty of the sheriff of the county, his deputy, the constable, select-men, or grand-jurors of the town where such person or persons may presume to come, and they are hereby respectively impowered and directed, to apprehend and carry such person or persons before an assistant or justice of the peace; who is hereby required to call to his assistance one or more assistants or justice of the peace, who are hereby directed to give their attendance, according to such requisition; and if, upon examination into the matter, the said justices shall find that the person brought before them is any one of the before described persons, they shall order him to be whipped on the naked back, not more than forty, nor less than twenty stripes; which punishment shall be inflicted, and the delinquent shall be ordered to quit this State, immediately.

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[*] Here follow the names of *one hundred and eight* persons, viz:—from Pownal, 12—Bennington, 1—Shaftsbury, 3—Arlington, 14—Manchester, 8—Dorset, 2—Reupert, 3—Pawlett, 5—Wells, 7—Danby, 2—Wallingford, 1—Clarendon, 16—Rutland, 3—Castleton, 6—Pittsford, 1—Cornwall, 1—Bridport, 4—Panton, 1—New Haven, 2—Ferrisburgh, 1—Shelburne, 2—Newfane, 3—Brattleboro, 4—Westminster, 1—Rockingham, 1—Chester, 1—Kent, (now Londonderry) 1—Hertford, (now Hartland) 2.

It has appeared to the editor obviously improper to gratify the public curiosity, at the expense of the feelings of individuals. The names which constitute this list, are, therefore, omitted.

Be it further enacted, that if any person shall continue in this State, one month, or shall presume to come again into this State, after such conviction, (without liberty first had and obtained therefor, from the Governor, Council, and General Assembly) and be convicted thereof, before the superior court of this State, he shall be put to death.

Be it further enacted, that if any person shall, willingly or willfully, harbor or conceal any of the persons above named or described, after their return to this State, contrary to the design of this act; such person, so offending, shall, on conviction thereof before the superior court, forfeit and pay the sum of five hundred pounds; two thirds thereof to the use of this State, the other third to the use of him or them who shall prosecute the same to effect.*

AN ACT concerning Delinquents.

Be it enacted, &c. that whensoever any person shall be complained of, indicted, or in any wise prosecuted, for any matter of delinquency, or of a criminal nature, by any other person than a county or town informing-officer, and that within the town or county, where, both the complainer and the person complained of, does belong, and such complaint cannot be supported; such person so complaining, shall pay the cost arising on such suit.

And whensoever any person shall be complained of, indicted, or in any wise prosecuted, for any matter of delinquencies, or of a criminal nature, by any county or town informing-officer, of the county or town where he does belong, and such complaint or indictment cannot be supported, the necessary cost arising on such prosecution, shall be paid out of the treasury into which the fine would have been paid, had the delinquent been fined upon such prosecution.

Be it further enacted, that, in all matters of delinquency, or of a criminal nature, where the person complained of, or prosecuted, is convicted, he shall pay cost of such prosecution: and, in case such criminal, or delinquent, have not estate to pay such cost, it shall and may be lawful for the court, assistant, or justice, before whom such process shall be, to dispose of such person in service, to any freeman of this corporation, so long a time as shall be necessary to procure money sufficient to answer the charges arising on such prosecution.

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* This Act was repealed, Nov. 8, 1780.

But if it shall so happen, that such charges cannot be obtained out of the estate or service of any person so convicted, such charges, if the trial be in the superior court, shall be paid out of the State's treasury; and if the trial be in the county court, such charges shall be paid out of the county treasury; and if the trial be in a justice's court, such charges shall be paid out of the treasury of the town where such delinquent lives; or if he has no residence in any town in the county, out of the treasury of the town where the conviction is had; and the court, or justice, shall give order accordingly.

Be it further enacted, that no person shall be twice sentenced for one and the same crime, trespass, or offence.

That if any person or persons, on his examination or trial for delinquency, shall, either in words or actions, behave contemptuously or disorderly, it shall be in the power of the court, assistant, or justice, to inflict such punishment on him or them, as they shall judge the nature of the offence may require.

Provided always, that no single minister of justice shall inflict any greater punishment, than imprisonment for one month; binding to the peace, or good behaviour, until the next county court; putting them in the stocks, there to sit not exceeding two hours; or imposing a fine not exceeding four pounds.

And that if any person, who shall be required to appear and give his evidence, in the trial or examination of any delinquent or criminal, shall refuse to appear, or to make oath to declare his knowledge in the case; the court, assistant, or justice of the peace, holding such trial or examination, may apprehend and commit the person so refusing to prison, there to remain at his or her own cost, until they shall give evidence.

Provided always, that such evidence shall not be construed to his prejudice.

And that when any sheriff, deputy-sheriff, or constable, shall receive a warrant from any court, assistant, or justice, (that hath lawful cognizance of the offence) to do execution of a judgment by them given, against any criminal or delinquent; such officer shall proceed according to the directions of such warrant, to do execution himself, or by some meet person by him to be procured, to the acceptance of the court granting such warrant; and for doing execution as aforesaid, a reasonable satisfaction shall be allowed, which shall be taxed as part of the bill of cost, to be paid by such delinquents.

AN ACT regulating the choice of Town Officers and Petit-Jurymen.

Be it enacted, &c. that the select-men of each town in this State, shall set up a notification, at such places as have been, or shall be agreed on by the inhabitants, as they are by law qualified to vote in such meeting, to meet at the meeting house, or some convenient place by them appointed in such town, giving twelve days notice, before the convening of such meeting, which shall be held on some day in the month of March annually, at ten o'clock in the morning.

And it shall be the duty of the inhabitants, when met as aforesaid, to proceed to chuse a moderator for said meeting, and town clerk or register; then they shall chuse a number, not exceeding five, to be select-men, or towns-men, to take care of the prudential affairs of such town; also a town treasurer, one or two constables, listers, not exceeding five, collectors of rates, leather sealers, one or more grand-jurors, one or more tything-men, hay-wards, branders of horses, sealers of weights and measures, and every other town officer that the law of this State shall direct.

And the select-men of each town shall, forthwith, after such choice, see that all the officers be sworn to the faithful discharge of their respective offices, by an assistant or justice of the peace, or in case no such officer be present, by the town clerk, who shall make entry in the records, of such officers being chosen and sworn.

Then the select-men and constable or constables, with the town clerk, and such magistrates as may be present, shall agree upon a number of men that may be thought by them to be their proportion of petit-jurymen, to attend the superior or county courts, the ensuing year; which number shall be chosen by the people present, and shall be discreet freeholders.

And the town clerk shall write the names of the persons so chosen, each on a piece of paper, and put them in a box, provided at the town's cost, for that purpose, and kept in his office. And when the constable shall receive any warrant from the clerk of the superior or county court, to summons any number of men for jury-men, to attend and serve as such, at any of said courts, he shall repair to the town clerk's office, and in his presence, or in case he be absent, in the presence of one of the select-men of such town, draw out of said box the number his warrant directs him to summon; and having so done, he shall proceed to summons the men for jury-men whose names are so drawn; but if any of the men whose names are drawn, are gone from home, or sick, or otherwise unavoidably hindered from attending said court, his name or names shall be returned into the box, and others in their room drawn and summoned as aforesaid.

And in case, at any time, the number of jury-men to be summoned is more than there remains in the box, the constable shall, at his discretion, summon a sufficient number of discreet freeholders to supply such place.

And be it further enacted, that if any person shall be chosen to any of the offices aforesaid in this act, and shall refuse to serve therein, or take the oath required by law, if he be able, in person, to execute the same, shall forfeit and pay to the treasurer of the town where he does belong, a fine of three pounds; except such person shall make it appear to an assistant or justice of the peace, before whom the case shall be tried, that he is oppressed by such choice, or others are unjustly exempted.

AN ACT to prevent nuisance in the public highways.

Be it enacted, &c. that if any person shall make any fence across any county road, without first obtaining leave therefor, from the county court of said county; or across any town road, without first obtaining leave therefor, from the select-men of said town; it shall and may be lawful for any person or persons to remove, throw down, and destroy such nuisance.

AN ACT to prevent unseasonable night walking, and for the punishing of disorders committed in the night season.

Be it enacted, &c. that if any persons that are under the government of parents, guardians, or masters, or any boarders, or sojourners, shall convene, or meet together, or be entertained in any house, without the consent or approbation of their parents, guardians, or masters, after nine o'clock at night, any longer than to discharge the business they are sent about; or shall meet together, and associate themselves in company or companies, in streets, or elsewhere, after the time aforesaid, and shall commit any disorder, or make any rout at any time in the night season; each person so offending shall forfeit twenty shillings for every such offence.

And, whereas, great disorders and insolence are often committed in the night, by disorderly persons, to the disquiet and hurt of the good people of this State.—For the preventing and punishing whereof,

Be it enacted, that when, and so often as any disorders and damages are done in the night season, that upon complaint speedily made thereof, to any court, assistant, or justice of the peace, they are hereby impowered to issue forth a writ or writs, for the bringing before him or them any such suspected person or persons, and examine him or them concerning such disorders and damages.

And if such suspected person or persons, upon such examination, cannot give a satisfactory account to the authority before whom such examination is had, where he or they were, when such disorders and damages complained of, were committed and done, and that he or they had no hand in doing the same, he or they shall be liable to pay and answer all such damages as the person or persons complaining, shall have sustained or suffered, as aforesaid; and also such fine or punishment as the court, assistant, or justice, before whom the trial is had, shall see cause to order, not exceeding ten pounds.

AN ACT appointing stocks and sign-posts to be made and maintained, in the several towns in this State.

Be it enacted, &c. that every town in this State shall make and maintain, at their own charge, a good pair of stocks, with a lock and key sufficient to hold and secure such offenders as shall be sentenced to sit therein; which stocks shall be set in the most public place in each respective town.

And in the same place there shall be a sign-post erected and set up, at the charge of said town, and maintained in sufficient repair; on which sign-post, all notifications, warrants, &c. for meeting, &c. shall be set up.

And if any town shall be at any time without a pair of stocks or sign-post, as aforesaid, after six months from the publication hereof, the select-men of such town shall forfeit the sum of twenty shillings to the town treasurer, and so the same sum for every month such town shall be defective thereof; to be heard and determined by one assistant or justice of the peace.

AN ACT concerning the dowry of Widows.

That there may be suitable provision made for the maintenance and comfortable support of widows, after the decease of their husbands,

Be it enacted, &c. that every married woman, living with her husband in this state, or absent from him elsewhere, with his consent, or through his mere default, or by inevitable providence, or in case of divorce, where she is the innocent party, that shall not, before marriage, be estated by way of jointure, in some houses, lands, tenements, or hereditaments, for term of life, or with some other estate in lieu thereof, shall, immediately upon and after the death of her husband, have right, title, and interest, by way of dower, in and unto one third part of the real estate of her said deceased husband, in houses and lands, which he stood possessed of in his own right, at the time of his decease, to be to her, during her natural life; the remainder of the estate shall be disposed of according to the will of the deceased; and where there is no will, according to law.

Provided always, that this law doth not extend to the widows of those that have or may be guilty of treason.

And for the more easy and speedy ascertaining such right of dower,

It is further enacted, that upon the death of any man, possessed of any real estate as aforesaid, which his widow, by this act, as before expressed, hath a right of dower in, if the person or persons that by law have a right to inherit said estate, do not, within sixty days next after the death of such husband, by three sufficient freeholders of the same county, to be appointed by the judge of probate (in whose district the estate doth lie) and sworn for that purpose, set out and ascertain such right of dower; that then such widow may make her complaint to the judge of probate in whose district the estate lieth; which judge shall decree and order that such woman's dowry shall be set out and ascertained, by three sufficient freeholders of the county, who shall be sworn faithfully to proceed and act therein accordingly, to their best skill; and the said dowry being set out and ascertained, in either of the methods aforesaid, the doings of such freeholders shall be returned to the judge who ordered the dower to be set out as aforesaid; and upon approbation thereof by the said judge, such dower shall remain fixed and certain, and all persons concerned therein shall be excluded thereby.

And every widow so endowed as aforesaid, shall maintain all such houses, buildings, fences, and inclosures as shall be assigned and set out to her for her dowry, and shall leave the same in good repair.

And if such widow shall not maintain, and keep in good repair, such houses, buildings, fences, and inclosures, as shall be assigned and set out to her as her dowry as aforesaid, it shall be in the power of the county court in which the estate is, upon application to them made, to deliver so much of the said houses and lands, to the next heir of the same, and for so long a term as, in their judgment, shall be sufficient, out of the rents or profits thereof to repair such defects; unless such widow will give good security for the leaving such houses, buildings, fences, and inclosures in sufficient repair.

AN ACT concerning Witnesses to Wills.

Be it enacted, &c. that no wills or testaments, wherein there shall be any devise or devises of real estate, shall be held good, and allowed for any such devise or devises, if they are not witnessed with three witnesses, all of them signing in the presence of the testator.

AN ACT against barratry and common barrators.

Be it enacted, &c. that if any person shall be proved and adjudged a common barrator, vexing others with unjust, frequent, and needless suits, he shall pay a fine of twenty pounds into the public treasury of this State, by order of the court before whom he shall be convicted; and, before the same court, he shall become bound, with two sureties, for his good behaviour, (for one year at least) or, on refusal, to be committed to prison, there to remain for said time, or till he procures sureties, as aforesaid.

And the court before whom such vexatious suit shall be brought, may, and is hereby impowered to reject such suit, giving cost to the adverse party.

AN ACT against Gaming.

Be it enacted, &c. that no tavern-keeper, inn-keeper, ale-house-keeper, or victualler, shall have or keep in or about his or their house or houses, out-houses, yards, gardens, or other places to them belonging, any cards, dice, bowls, shuffle-boards, or billiards, or any other implement for gaming; nor shall suffer any person or persons resorting unto any of their houses, to use or exercise any of the aforesaid games, or any other unlawful game or sport, within their said houses, for any sum or sums of money, goods, or liquors, on pain of forfeiting the sum of twenty pounds for every such offence, upon due conviction thereof; the said fine to be disposed of, one half to the informer, the other half to the treasurer of the town where such offence is committed.

And every person who shall be convicted of playing at any such games as aforesaid, or any horse-racing, on any wager as aforesaid, in any such house or dependancies, or in any other place in this State, shall forfeit the sum of twenty shillings, to be disposed of as aforesaid; and the monies, goods, or chattels, so played for and won, if the value thereof be more than twenty shillings, shall be appropriated to the use of the town where such wager is won; and the treasurer of the town where such wager is won, is hereby impowered to sue for the same, before any court proper to try the same.

AN ACT concerning Replevins.

Be it enacted, &c. that every man shall have liberty to replevy his cattle, or other goods and chattels, impounded, distrained, attached, seized, or extended, (except it be upon execution after judgment, and in paying of fines and rates) provided he put in and give good and sufficient security to prosecute his replevin to effect, and to satisfy and answer such damages, demands, and dues, as the adverse party shall, by law, recover against him.

AN ACT directing and regulating the levying and serving Executions.

Be it enacted, &c. that when any judgment is recovered, and execution taken out thereon, the sheriff, or other officer, to whom the execution is directed, shall repair to the place of the debtor's usual abode, (if within his precinct) and there make demand of the debt or sum due on such execution, with necessary charges; and upon refusal, or neglect of payment of the same, the officer shall levy the execution upon any of the personal or moveable estate of the debtor, except necessary apparel, bedding, tools, arms, implements of his household, necessary for upholding life, one yoke of oxen, and one cow.

And the officer shall forthwith draw an account of the particulars of the goods or estate he shall so seize and take, and set up the same on the sign post of the town wherein he shall seize the same; and the officer, with the account of the said goods, shall set up a declaration, that the said goods, so posted, are to be sold at the place where posted, at an outcry, at the end of twenty days, after the naming of the day of the month.

And in case the debtor shall not, within the said twenty days, pay the debt and all the cost and charges arisen thereon, the officer shall cause a drum to be beat at the sign-post, to give notice to customers to come, and shall sell the said goods (or as many of them as shall be necessary) there, at an outcry, to the highest bidders; and, of the effects thereof, shall pay the debt and charges due to the creditor, and satisfy himself for his own fees and charges; and the overplus (if any there be) shall be returned to the owner thereof.

That, in case moveable or personal estate of the debtor's, sufficient to satisfy the debt and charges, cannot be found, and the creditor shall not agree or accept to take the debtor's lands, the officer shall levy the execution upon the debtor's body, and him commit to the common goal in that county in which the execution is levied; where the debtor or delinquent shall remain until he shall pay the debt, and all charges, with the officer's and prison-keeper's fees, or be otherwise discharged by due course of law.

And every officer who shall commit any person to prison, by virtue of a distress or execution, shall deliver a true copy of the writ or execution, signed by such officer, to the goaler or prison-keeper; which copy, so signed and delivered, shall be a sufficient warrant or order to the goaler to receive such person or persons, and him or them to hold in safe custody, till delivered by a law.

Be it further enacted, that all lands and tenements belonging to any person, in his own proper right, in fee, shall stand charged with the payment of all just debts owing by such person, as well as his personal estate; and shall be liable to be taken in execution for satisfaction of the same, where the debtor or his attorney shall not expose to view, and tender to the officer, personal estate sufficient to answer the sum mentioned in the execution, with charges: and all executions, duly served upon any houses and land, being returned into the clerks office of the court out of which the same issued, and there recorded; as also a copy thereof, lodged in the town clerk's office in the town where such houses or lands lie, (which said clerk shall enter in the town book of records, taking the same fee as allowed for recording deeds) shall make a good title for the party for whom they shall be taken, his heirs and assigns, forever.

And that whensoever execution shall be levied upon lands, it shall be in the liberty of the creditor to chuse one man, and the debtor another, and the officer a third, (if need be) to appraise the land; and if either the debtor or creditor shall refuse or neglect to chuse such appraisers, the officer shall chuse one or more, as there may be occasion; which appraisers shall be sworn to appraise the land according to the value thereof.

And be it further enacted, that all executions issuing out of the office of the clerk of the county court, or superior court, respectively, and executions granted out by justices of the peace, where, by law, they have authority to grant the same, may, by the said clerk and justice respectively, be directed to any of the officers proper to serve the same, in any of the counties in this State in which the person liveth, or estate whereupon the same is to be served, is, at the time of granting the execution; which officers, to whom the same is directed, and delivered, shall duly and faithfully serve and return the same, according to the direction therein given; which being returned, shall be kept on file in the office out of which the same was issued.

And that all writs of execution shall be made returnable within sixty days, or to the court (in case sixty days are remaining between the date of the execution and the next court) at the election of him that prays it out; and all executions granted by a single minister of justice, shall be returnable in sixty days.

And all constables, as well as sheriffs, shall have power to serve any writ or execution to them directed, within their own precints, and not out thereof—*that is to say,* the sheriff within his county, and the constable within his own town.

AN ACT concerning Bastards and Bastardy.

Be it enacted, &c. that he who is accused by a woman, to be the father of a bastard child, begotten of her body, she continuing constant in such accusation, being examined upon oath, and put to the discovery of truth in the time of her travail, shall be adjudged the reputed father of such child, notwithstanding his denial thereof, and shall stand charged with the maintenance thereof, with the assistance of the mother, as the county court of that county in which such child is born, shall order; and give security to perform such order, and also to save the town and place where such child is born, free from charge for its maintenance.

And the said court may commit to prison, such reputed father, until he find sureties for the same; unless the proofs, evidence, and pleas, made and produced on the part of the man accused as aforesaid, and other circumstances, be such as the court who have cognizance of the same, shall see reason to judge him innocent, and acquit him thereof; in which case they shall and may otherwise dispose of such child.

And every assistant, or justice of the peace, upon his discretion, may bind to the next county court, him that is charged or suspected to have begotten a bastard child; and if the woman be not then delivered, the said county court may order the continuance or removal of his bond that he may be forth coming when such child is born.

AN ACT relating to bills of Divorce.

Be it enacted, &c. that no bill of divorce shall be granted to man or woman, lawfully married, but in case of adultery, or fraudulent contract, or wilful desertion for three years, with total neglect of duty; or in case of seven years absence of one party, not heard of, after due enquiry is made, and the matter certified to the superior court; in which case, the other party may be deemed and accounted single and umarried. And in that case, and in all other cases aforementioned, a bill of divorce may be granted by the superior court, to the aggrieved party, who may then lawfully marry, or be married again.

AN ACT for the ascertaining Town Brands, and providing and regulating Branding and Branders of horses.

Be it enacted, &c. that each town in this State shall have a town brand, to brand their horses with; which shall be the several letters or figures as are hereafter and hereby directed,—that is to say,

Pownal,	P	Halifax,	H	Thetford,	⊥
Bennington,	B	Whitingham,	4	Strafford,	8
Shaftsbury,	S	Wilmington,	Y	Farlee,	F
Arlington,	A	Dummerston,	Z	Moretown,	⊕
Sandgate,	E	Townshend,	T	Corinth,	9
Sunderland,	2	Westminster,	&	Newbury,	4
Manchester,	M	Rockingham,	ꓤ	Leister,	L
Dorset,	D	Kent,	K	Barnet,	ꓷ
Ruport,	R	Springfield,	‡	Guildhall,	☊
Pollet,	Æ	Chester,	Ͻ	Peacham,	ꓘ
Danby,	I	Addison,	X	Cavindish,	ȣ
Wells,	W	Weathersfield,	¶	Newfane,	Σ
Poultney,	Œ	Windsor,	△	Andover,	E
Clarenden,	C	Hertford,	∩	Brumley,	ȣ
Wallingford,	6	Woodstock,	Π	Marlborough,	[illegible]
Rutland,	O	Hartford,	T	[illegible]	[illegible]
Castleton,	Q	Pomfret,	≙	[illegible]	[illegible]
Pittsford,	3	Barnard,	7	[illegible]	[illegible]
Neshobe,	N	Norwich,	V	District [illegible]	[illegible]
Cornwall,	U	Sharon,	ꓭ	[illegible]	[illegible]
Guilford,	G	Royalton,	5	Hubbardton,	[illegible]

Every of which brands shall be set respectively, on every horse and horse kind, on the near or left shoulder.

And the inhabitants of each town shall choose a suitable person to be a brander of horses in such town; and each brander shall be under oath, and shall make an entry of all horse kind by him so branded, with the age and colour, natural and artificial marks, in a book by him kept for that purpose.

And if any such brander shall presume to brand any horse, mare, or colt, that is above one year old, at any other place than at a town pound, or those places appointed by the town for that work, (unless he has first received a special order from the select-men of such town so to do,) he shall forfeit and pay the sum of four pounds for every such offence, one half to the complainer, and the other half to the treasury of the town in which he lives.

And if any such brander shall refuse or neglect to brand or record any horse, mare, or colt, (except such as he is by law forbidden to brand and enter) presented to him by any person or persons, after his just fees are tendered to him for the same; he shall, for every such offence, forfeit and pay the sum of twenty shillings to the person presenting such horse, and all damages sustained by such person, by him made to appear, through such brander's neglect.

And be it further enacted, that if any person or persons shall counterfeit any town brand, or cause to be branded any horse, mare, or colt, on the near or left shoulder, with any letter or figure, being the brand of any town in this State, without the knowledge or order of one of the branders of such town, (under his hand) he or they, so offending, shall forfeit the sum of ten pounds for every such offence; one half to the complainer, and the other half to the county treasury.

AN ACT for the punishment of Burglary and Robbery.

Be it enacted, &c. that whosoever shall commit burglary, by breaking up any dwelling-house, or shop, wherein goods, wares, and merchandize are kept; or shall rob any person in the field, or high-way; such person, so offending, shall, for the first offence, be branded on the forehead with the capital letter B, on a hot iron, and have one of his ears nailed to a post and cut off; and also to be whipped on the naked body fifteen stripes.

And for the second offence, such person shall be branded as aforesaid, and have his other ear nailed and cut off as aforesaid, and be whipped on the naked body twenty-five stripes.

And if such person shall commit the like offence, a third time, he shall be put to death, as being incorrigible.

AN ACT for the marking of Cattle, Swine, &c.

To prevent disputes, and differences that may arise in the owning and claiming of cattle, sheep, and swine, that may be lost or stray away,

Be it enacted, &c. that all the owners of any cattle, sheep, or swine, within this State, shall ear mark, or brand, all their cattle, sheep, and swine, that are above half a year old; and that they shall cause their several marks to be registered in the town book.

And whatsoever cattle, sheep, or swine, shall be found unmarked, and not branded as aforesaid; the owners thereof shall forfeit and pay three shillings per head, one half whereof shall be to the complainer, and the other half to the town treasury.

AN ACT to prevent encroacements on highways, and on common and undivided lands.

Be it enacted, &c. that if any person hath, within the space of three years, taken or shall take, any part of any highway, or common, or undivided land, into his field or enclosure, or erect any fence thereon, in such manner that the said highway is straightened, and made narrower than before, or any part of the common or undivided land is encroached upon; the select-men of the town wherein the offence is committed, or a committee appointed by such town for that purpose, or a committee appointed for that end by the proprietors of the common or undivided land encroached upon, (which committees such town and proprietors are enabled to appoint) or any three of such proprietors, are hereby directed and impowered to give notice or warning to the person or persons so offending, that if he or they do not cause the said fence or encroachment to be removed, in such convenient time as the said select-men, committee, or proprietors giving the warning shall set, not exceeding the space of one month after such notice or warning given; the said select-men, committee, or proprietors, giving such warning, shall cause such fence, or encroachment, to be pulled down and removed.

And if the person or persons warned as aforesaid, do not cause such fence or encroachment to be removed, within the time so to be set and limited as aforesaid; it shall be lawful for the said select-men, committee, or the said three proprietors, and they are hereby impowered, to remove, or cause the said fence, or encroachment, to be removed.

And if the persons offending as aforesaid, shall commit the like offence, by taking in the same, or a greater or lesser quantity of any [illegible] common or undivided land, where his fence has been [illegible] said; he shall incur the penalty of four pounds for every [illegible] as often as he shall commit the same; to be recovered [illegible] tion, or information, by the persons who gave the [illegible] said fence, or encrochment, to be removed; one [illegible] be to the prosecutors, with cost of prosecution, and [illegible] half [illegible] town treasury of the town wherein the offence is committed. [illegible] trials no review nor appeal shall be allowed.

And that every person prosecuted for said offence, shall be deemed guilty thereof, unless he can satisfy the court that hath cognizance thereof, that he did it not himself, nor by his order, nor consent, cause or procure said offence to be committed.

And be it enacted, that if those, or any of those persons that shall pull down and remove such fence or encroachment, as aforesaid, shall be sued in trespass for so doing, by any person or persons whose fence shall be pulled down, or removed; such select-men, committee, or proprietors, who shall pull down and remove said fence, or cause the same to be done, may plead not guilty, and give this act in evidence on the trial.

And if the plaintiff or plaintiffs, in such action, shall not prove that the fence removed, when standing, was well on the bounds of his or their lands, or of their lands for whom the plaintiff or plaintiffs hold the same, and so was not any encroachment, as aforesaid, verdict shall be given in favor of the defendants:—in which case, as also in case of non-suit, judgment shall be rendered for double costs in favor of the defendants.

AN ACT concerning Grand-jurymen.

Be it enacted, &c. that every town in this State, on the day of their annual town meeting for electing town officers, shall elect and choose one or more sober, discreet persons, of their inhabitants, to serve as grand-jurors for the ensuing year, who shall be sworn by the next assistant, justice of the peace, or the town clerk.

But in case any person so elected, shall refuse to accept, and take the oath for such officers provided, and serve as aforesaid, (unless he render a satisfying reason to the town meeting, or to the authority before whom he shall be called to take the oath, why he ought not to serve as aforesaid) he, for such refusal, shall incur the penalty of forty shillings; and another person shall be chosen in his room, who shall, upon acceptance, be sworn as aforesaid. And the names of such grand-jurors shall, by the clerk of the town, be returned to the clerk of the county court within the same county; and the said clerk of the county court shall, by his writ, summon such a number of the said grand-jurors within the said county, as shall be necessary, to attend and serve at the said county courts.

And if any such grand-juror, so as aforesaid required and summoned to serve on the grand-jury, shall neglect or refuse to appear, (unless he shall give sufficient reason for his refusal) shall forfeit and pay the sum of thirty shillings.

And all grand-jurors shall diligently enquire after, and due presentment make, of all misdemeanors and breaches of law, whereof they have cognizance, whether the same were committed before said grand-jurors were chosen and sworn to said office, or afterwards; which presentment they shall seasonably make to the court, or to some assistant or justice of the peace, that the offenders may be dealt with according to law.

And if any grand-juryman, after he is sworn, shall neglect to make seasonable presentment of any breach of law, whereof he hath cognizance he shall pay a fine of twenty shillings.

All which penalties shall be and belong to the town treasury of the town where such grand-juror dwells.

And all grand-jurymen shall be allowed fifteen shillings per day for their time of attendance, and six pence per mile for their travel, when they shall be required to give their attendance at the said county court, to be paid out of the county treasury.

And every town in this State that shall neglect or refuse to make choice of grand-jurors as aforesaid, shall, for every such neglect or refusal, incur the penalty of ten pounds to the treasury of the county wherein such town lieth, to be recovered by bill, plaint, or information.

AN ACT for preventing the sales of real estates of heiresses, without their consent.

Be it enacted, &c. that if any real estate, whereof any woman, at the time of her marriage, is seized, as her estate of inheritance, or does, during such coverture, become so, either by descent, or otherwise, shall not be alienable by her husband's deed, without her consent, testified by her hand and seal set to such deed, and acknowledged before some magistrate.

And that all sales, or alienations of such estates, whether absolute or conditional, which shall hereafter be made without such consent, witnessed and acknowledged as aforesaid, are hereby declared and made to be *ipso facto* null and void.

Provided nevertheless, that if any wife, at the time of such alienation of such estate to her belonging, did actually refuse to give her assent to such sale made by her husband, that then she shall be understood and taken to hold said estate; and neither she nor her heirs shall be barred from recovery of the same.

AN ACT for the limitation of prosecutions in divers cases.

Be it enacted, &c. that no person shall be indicted, prosecuted, informed against, complained of, or compelled to answer before any court, assistant, or justice of the peace within this State, for the breach of any penal law, or for other crimes or misdemeanors, by reason whereof a forfeiture belongs to any public treasury, unless the indictment, presentment, information, or complaint, be made and exhibited within one year after the offence is committed.

And every such indictment, presentment, information, and complaint, that is not made and exhibited as aforesaid, within the time limited for the same, as aforesaid, shall be void, and of none effect.

Provided always, that this act shall not extend to any capital offence, nor to any crime that may concern loss of member, or banishment, or any treachery against this State, nor to any pilfering and theft; any thing contained in this act to the contrary notwithstanding.

AN ACT for the punishment of lying.

Be it enacted, &c. that every person of the age of discretion, which is accounted fourteen years, who shall wittingly and willingly make or publish any lie, which may be pernicious to the public weal, or tend to the damage or injury of any particular person, or to deceive and abuse the people with false news, or reports, and be thereof duly convicted before any court, assistant, or justice of the peace, such person or persons shall be fined for the first offence forty shillings; or if unable to pay the same, then such person to sit in the stocks not exceeding three hours.

And for the second offence in that kind, which such person shall be convicted of, shall be fined double the aforesaid sum; and if unable to pay the same, shall be whipped on the naked body, not exceeding ten stripes.

And for the third offence, double the fine for the second; or if the party be unable to pay the same, then to be whipped not exceeding twenty stripes: and yet if any such person shall offend in that kind, and be legally convicted thereof, such person, either male or female, shall be fined ten shillings each time more than formerly; or if unable to pay such fine, then to be whipped as aforesaid, with five stripes more, each time, than formerly, but not exceeding thirty nine stripes at any time.

Provided nevertheless, that no person shall be barred of his just action of slander, or defamation, or otherwise, by any proceeding upon this act.

AN ACT for licencing and regulating houses of public entertainment, or taverns; and for suppressing unlicenced houses.

Be it enacted, &c that the magistrates, select-men, constables, and grand-jurymen, in the respective towns in this State, shall, some time in the month of March annually, nominate the person or persons whom they, or the major part of them, think fit and suitable to keep an house or houses of public entertainment in the said town, for the ensuing year; which nomination shall be sent by them to the next county court in that county; which court shall grant licences to the said persons accordingly, to keep an house or houses of public entertainment for the year ensuing, and to no others—which licence shall be in force for one year, and no more.

But if the county court are of the opinion that the number nominated in any town be too great, they shall have liberty to lessen the same; and may also refuse to grant licences to such persons as they shall, on information and proof made, judge to be wholly unfit and unqualified for such trust,—such nomination notwithstanding.

Always provided, such court shall take a bond to the treasurer of the county, in the sum of one hundred pounds, of every such person to whom such licence shall be granted, for the due observance of all the laws that are made respecting tavern-keepers, or houses of public entertainment.

Be it further enacted, that for the present year, the tavern-keepers shall be chosen in the month of June next, and shall be licenced by one assistant and one justice of the peace, or by one judge of the superior court and one justice of the peace, under the same regulations as in future they are to be licenced by the county court; any thing in this act to the contrary notwithstanding.

Be it further enacted, that when, and so often as the authority, select-men, and grand-jurymen, in any town, or, where there are no assistant or justice living in any town, the select-men and grand-jurors shall understand that any person in such town is a tavern haunter, or spends his time idly at any such house of entertainment, they, or the major part of them, shall, at their discretion, cause the names of such tavern haunters to be posted at the door of every tavern in the same town, by setting up a certificate, under their hands, forbidding every tavern-keeper in such town, on the penalties contained in this act, to entertain, or suffer any such person or persons therein named, to have or drink any strong liquors, of any kind whatsoever, in or about their houses, until such authority, select-men, and grand-jurors, shall agree to take off such prohibition.

And that if any tavern-keeper shall, after such posting of any person's name, and notice thereof given by any of the said select-men, or grand-jurors, suffer or permit any person posted as aforesaid, to drink any rum, wine, or other strong liquor, in or about his house, or in any of the dependancies thereof, he shall pay as a fine the sum of three pounds.

And in case the person or persons, warned as aforesaid, shall not, after such warning, leave off and forbear such their evil practices, the authority shall cause such person or persons to appear before them, and demand surety for their well behaving therein; and in case such person or persons shall not find sureties as aforesaid, then he or they shall, each one, pay a fine of twenty shillings, or sit in the stocks for the space of two hours, on some public time or season.

And be it further enacted, that the constables and grand-jurors in each town shall, and they are hereby required, carefully to inspect all taverns or licenced houses in such town, and make due presentment to the civil authority, of all persons who shall be found transgressing this act or any part thereof; and also warn all tavern-keepers, or persons licenced to keep public houses of entertainment, to observe this act, and all other laws respecting the regulation of licenced houses, and that they do not entertain any inhabitants of the town where they dwell, contrary to law.

And if such officers shall find that such tavern-keepers do not observe the laws aforesaid, nor keep due order, then they shall make presentment thereof to the next county court in that county, at their first sitting; and such court shall cause the person so presented, forthwith to appear before them, to answer to such presentment; and if, upon trial, such tavern-keeper be found guilty, the court shall enter up judgment for the forfeiture of the bond given, or procured to be given by such person, for his or her due observance of all the laws respecting tavern-keepers, and for costs. And such person shall forthwith, before said court, enter into a bond of two hundred pounds, in the tenor of the former bond; which shall also be prosecuted in like manner, in case of a forfeiture.

And that whensoever a presentment is made as aforesaid, it shall be inserted that the person presented, had been warned, as aforesaid, by such constable or grand-jurymen, and such presentment shall be sufficient evidence that such warning was given; and the officers making such presentment, shall be ordered by said court to attend the trial, and be allowed to give evidence for the proof of the disorders complained of; and shall by said court be allowed a meet recompense for their trouble and charge.

Be it further enacted, that no tavern-keeper, or licenced person, as aforesaid, to keep a public house of entertainment, shall be allowed to bring any action against any person whatsoever, to recover of such person any sum or sums of money, or any other thing whatsoever, for any kind or quantity of drink sold to such person, and drank in such house, unless the same be brought within three days after such sale and drinking.

And whereas divers disorderly persons oftentimes take upon them, and presume to sell strong liquors by retail, in small quantities, without licence; and to keep tippling-houses, to the promoting of tippling, drunkenness, idleness, and many other immoralities; and to the great prejudice of persons orderly licenced, and under the regulations of law, for the entertainment of travellers and others legally and orderly requiring the same.

Which to prevent,

Be it further enacted, that no person or persons whatsoever, dwelling in this State, (except such as have licence as aforesaid) shall be an innholder, taverner, or seller of wine, beer, ale, cider, rum, or any other strong liquors, publicly or privately, by a less quantity than a quart of wine, rum, or other such like strong liquors, or a quart of metheglin, cider, beer, or such like drink, and that delivered and carried away all at one time, on the penalty of forfeiting and paying the sum of three pounds for the first offence, and the sum of six pounds for the second offence, and so double for every breach of this act he shall be convicted of:—which fines shall be disposed of, half to him that complains and prosecutes the same to effect, and the other half to the town treasury.

And it is especially recommended to those who keep licenced houses, to prosecute the breach of this paragraph of this act.

And when any person shall be duly convicted of keeping a tippling-house, or of selling strong beer, ale, cider, perry, metheglin, wine, rum, or mixed drink, or any strong drink whatsoever, by retail in small quantities, as aforesaid, without licence first had, as aforesaid, for the same, and shall be unable to satisfy the fine imposed by law for such transgression, together with the charge of prosecution; or shall not pay such fine and charge, and likewise give bond for the good behavior, if it be a second conviction, within the space of twenty-four hours next after sentence declared; it shall and may be lawful for two justices of the peace, or the court before whom the conviction shall be, to order such offender to be publicly whipped on the naked body not less than ten, nor exceeding fifteen stripes for one offence; and to restrain the offender in prison, till such fine and charges are paid, or the corporal punishment be inflicted.

And that the oath of one credible witness shall be sufficient to convict any person of retailing strong liquors as aforesaid, contrary to this act; unless the person shall, in open court, positively and plainly assert and declare, that he is not guilty of the fact charged upon him.

And be it further enacted, that the grand-jurymen in the respective towns in this State, shall, from time to time, make diligent search and enquiry after all persons who are reputed to sell or vend strong liquor by retail, in small quantities as aforesaid, without licence as aforesaid obtained, and make presentment of all such persons to the next assistant or justice of the peace; which assistant or justice shall, by a proper warrant, order such person or persons so presented, to appear before him, and cause him or them to give bond with a surety, to the value of ten pounds, that he or they, will not sell or vend any strong drink by retail in small quantities as aforesaid, without licence first had and obtained, and be of good behavior until the next county court in that county; and also appear before the said court and take up said bond, unless said court shall see cause to continue the same; which the court may do if they judge proper.

And if any such person or persons shall refuse to become bound as aforesaid, the authority before whom he or they shall be brought, shall, by mittimus, commit such person or persons to the common goal in that county, there to remain at his or their own charge, till he or they will give bond as aforesaid.

And that if any such person or persons, giving bond as aforesaid, shall, at any time after the giving such bond, be presented to the county court of that county by the grand-jurors, on suspicion of retailing strong drink in small quantities, without licence as aforesaid, such presentment shall be taken by the court to be sufficient evidence against the person so presented, to convict him, her, or them, of the forfeiture of such bonds or recognizance, unless he or she shall be acquitted by a jury of twelve freeholders of the neighborhood, declaring upon their oath, that they believe such person is not guilty; which jury, the party at his desire and charge, may have the liberty of.

AN ACT against forgery.

Be it enacted, &c. that if any person or persons shall willingly and falsely forge and make, or cause to be forged, or made, or shall aid, abet, help, or assist, in the falsely forging and making, any false deed, conveyance, will, testament, bond, bill, receipt, release, acquittance, letter of attorney, or any other writing, to prevent equity and justice; such person or persons, being thereof duly convicted, shall stand in the pillory three several days of public meeting, not exceeding two hours each day, and render and pay to the party or parties injured thereby, double damages, to be recovered by action founded on this act; and shall also be rendered uncapable, and be disenabled to give any evidence or verdict in any court, or before any magistrate or justice of the peace.

AN ACT against fraudulent conveyances.

Be it enacted, &c. that all fraudulent and deceitful conveyances of lands, tenements, hereditaments, goods or chattels, and all such bonds, suits, judgments, executions, or contracts, made to avoid any debt or duty of others, shall (as against the party or parties only, whose debt or duty is so endeavored to be avoided, their heirs, executors, or assigns) be utterly void; any pretence, or feigned consideration notwithstanding.

And every of the parties to such a fraudulent conveyance, bond, suit, judgment, execution, or contract, who, being privy thereunto, that shall wittingly justify the same to be done, *bona fide*, and upon consideration; or shall alien and assign any lands, leases, goods, or chattels, so to them conveyed as aforesaid, shall forfeit one year's value of the lands, lease, rents, common, or other profits out of the same, and the whole value of the goods and chattels, and also so much money as shall be contained in such covinous bond or contract; and, being thereof convicted, shall also suffer half a year's imprisonment, without bail:—which above forfeiture shall be equally divided between the party grieved, and the county treasurer; except the purchaser make it appear by two witnesses, that the contract or bargain was made, *bona fide*, and on good consideration, before any seizure made by the creditor or officer, of the estate so conveyed; and that it was without any design of fraud, to defeat the creditor of his just dues.

AN ACT for preventing and suppressing of Lotteries.

Be it enacted, &c. that whosoever shall presume, without special liberty from the general assembly, to set up any lottery for the sale of goods, lands, or tenements; or to sell, put off, or vend, any parcel, parcels, or quantity of lands, goods, or monies, or other things whatsoever, by way of lottery; or shall by wagers, shooting, or any other such like way or exercise whatsoever, offer to sell, vend, put off, or dispose of any goods, monies, or other things, collected, or exposed to be run, at such adventure; or set up notifications to entice people to bring in and deposit or risque their money or credit, for carrying on the designs aforesaid, and be duly convicted thereof, before any court or authority proper to try the same, shall forfeit the value of such goods, or monies, or things so exposed, or proposed to be exposed to sale, or drawn for; the one half to him that shall prosecute the same to effect, and the other half to the county treasury of that county where the offence is committed.

And all grand-jurors, and others ordered by law to make presentment of breaches of law, are directed (when no informer or prosecutor appears) to make presentment of the breaches of this act.

AN ACT for the punishment of Man-Slaughter.

Be it enacted, &c. that whatsoever person shall be guilty of the crime of man-slaughter, or the wilful killing another person, without malice, or forethought, and be thereof legally convicted, by confession or verdict, before any of the superior courts of this State, shall forfeit to the public treasury of this State, all the goods and chattels which to him or her belonged at the time of committing the said crime; and be further punished by whipping on the naked body, and be stigmatized, or burnt on the hand with the letter *M*, on a hot iron; and shall also be forever disabled in the law from giving verdict or evidence in any court in this State.

Provided nevertheless, that if any person, in the just and necessary defence of his life, or the life of any other, shall kill any person attempting to rob or murther, in the field or high-way, or to break into any dwelling house, if he conceives he cannot, with safety of his own person, otherwise take the felon or assailant, or bring him to trial, he shall be holden guiltless.

AN ACT for the punishment of Murder.

Be it enacted, &c. that if any person shall commit any wilful murder, upon malice, hatred, or cruelty, not in a man's just and necessary defence, nor by accident, against his will; or shall slay or kill another through guile, either by poisoning, or other such devilish practices, he shall be put to death.

And whereas many lewd women, that have been delivered of bastard children, to avoid their shame, and to escape punishment, do secretly bury, or conceal the death of their children; and after, if the child be found dead, the said woman do alledge that the said child was born dead, whereas it falleth out sometimes (although hardly it is to be proved) that the said child or children were murdered by the said woman, their lewd mothers, or by their assent or procurement:

Be it therefore, further enacted, that if any woman be delivered of any issue of her body, male or female, which, if it were born alive, would be a bastard; and that she endeavored privately, either by drowning, or secret burying thereof, or any other way, either by herself, or by the procuring of others, so to conceal the death thereof, that it may not come to light whether it was born alive or not, but be concealed; in every such case, the mother so offending, shall be accounted guilty of murder, and shall suffer death therefor, as in case of murder: except such mother can make proof by one witness (at least) that such child was born dead.

AN ACT against breaking the Peace.

Be it enacted, &c, that whosoever shall disturb or break the peace, by tumultuous and offensive carriages, threatning, traducing, quarrelling, challenging, assaulting, beating, or striking any other person; such person or persons, so offending, shall be liable to pay to the party hurt or stricken, just damages; and also shall pay such fine, as, on consideration of the party smiting, or being smitten, and with what instrument, danger more or less, time, place, and provocation, shall be judged just and reasonable, according to the merit of the offence, as the justice or justices shall determine.

And if such offence be aggravated by some notorious and high-handed violences, the offender or offenders shall be bound over to the next county court, to answer for such offence.

Be it further enacted, that the surety of the peace, or good hehaviour, as the merit of the case shall require, may and shall be granted, by any assistant or justice of the peace in this State, against all and every person or persons, who, by threatning words, turbulent behaviour, or actual violence, or by any other unlawful action, shall terrify or disquiet any of the inhabitants of this State; and if such offender or offenders shall neglect or refuse to find such sureties, he or they shall be committed to the common goal of the county where the offence is committed, there to remain until he or they shall find such sureties, or to be there delivered by due course of law.

Be it enacted, that if any person shall abuse any magistrate, or justice of the peace; or resist, or abuse any sheriff, constable, or other officer, in the execution of his office; such person or persons shall find sureties for the peace and good behaviour, until the next county court in that county; or, on refusal, may be committed to the common goal, there to remain until the next county court: which court shall take cognizance of the wrongs and abuses done to such officer or officers, by such offender or offenders, and lay such penalty upon him or them (he or they being thereof legally convicted) as the merit of the offence shall deserve, appearing by the circumstances of the same, not exceeding sixty pounds.

And whereas some persons do secretly attempt mischief and hurt to others, and do commit great outrages upon them, in such manner that proof cannot easily be had.

For the detecting and punishing of which,

Be it further enacted, that if any person shall break the peace, by secretly assaulting, beating, maiming, wounding, or hurting another; the person so assaulted and injured, making application and complaint to the next assistant, or justice of the peace, shewing him what hurt or wound he has received thereby, such assistant or justice shall forthwith grant out a writ, directed to the sheriff of the county, his deputy, or constable of the town where such assault shall be made, commanding them, or either of them, to arrest and bring before him such person so assaulting, to answer such complaint; who, upon oath being made againt him of such assault, and of the wounds or bruises thereby received, by the person assaulted and beaten, shall be bound in a sufficient bond, with sureties, for his appearance at the next county court in that county, to answer to the complaint, as aforesaid: and in case of refusal to become bound, as aforesaid, such person complained of, shall be committed to the common goal of the county, there to remain till the next sessions of said county court.

And if the person so bound, or committed, shall not, on trial of the case, satisfy the court that he was at some other place, at the time the said assault was made, and was not the person who gave the assault, he shall be judged guilty, and shall be sentenced to pay the person assaulted and injured, all such damages as he shall have sustained by such assault and beating; or in case such damages cannot then be computed, the offender as shall give bond, with sufficient surety or sureties, to pay all such damages as shall afterwards be awarded by said court at some other sessions, to which the case shall be continued, together with cost of prosecution; and also pay to the treasurer of the county, such fine as the said court shall order, not exceeding the sum of thirty pounds, and stand committed till sentence is performed.

AN ACT for the punishment of Perjury.

Be it enacted, &c. that if any person or persons, either by the subordination, unlawful procurement, reward, sinister persuasion, or means of any other, or by their own act, consent, or agreement, shall wilfully and corruptly commit any manner of wilful perjury, by his or their deposition in any court of record, upon examination; that then, every person or persons, so offending, and being thereof duly convicted, or attained by law, shall, for his or their offence, forfeit the sum of fifty pounds; the one moiety thereof to the public treasury of this State, and the other moiety to such person or persons as shall be grieved, hindered, or molested, by reason of any such offence, that shall sue for the same, by action of debt, bill, plaint, information, or otherwise, in any court of record in this State; and also be imprisoned by the space of six months, without bail or mainprize.

And the oath of such person or persons, so offending, shall not be received in any court whatsoever in this State, until such time as the judgment given against the said person or persons shall be reversed, by attaint or otherwise.

And upon every such reversal, the party aggrieved, to recover his or their damages, against all and every such person or persons as did procure the said judgment, so reversed, to be given against them, or any of them, by action or actions upon his or their case or cases, according to the course of common law.

And if it shall so happen that the said offender or offenders, so offending, have not goods and chattels to the value of fifty pounds, that then, he or they shall be set in the pillory by the space of two hours, in some county town where the offence was committed, or next adjoining to the place where the offence was committed; and to have both his ears nailed and cut off; and from thenceforth be discredited, and disabled forever to be sworn in any court whatsoever, until such time as the judgment shall be reversed.

And all and every person or persons, who shall unlawfully and corruptly, procure any witness or witnesses, by letters, rewards, promises, or by any other sinister and unlawful labour or means whatsoever, to commit any wilful or corrupt perjury, in any matter or cause whatsoever, depending, or that shall be depending, in suit and variance, by any writ, action, bill, complaint, or information, in any court, or before any committee; every such offender, being thereof duly convicted, or attainted by law, shall, for his or their offence, be proceeded against, and suffer the like pains, penalties, forfeitures, and disabilities, in all respects, as abovementioned.

AN ACT for ordering and regulating Pleas and Pleadings.

For preventing unnecessary charge and delays in the several courts of common pleas in this State; and for the more regular proceeding in trials thereon,

Be it enacted, &c. that all pleas made in abatement of writs or processes, in any of the county courts in this State, shall be made, heard, and determined, and the issue in every case joined, and an entry thereof made, before the jury is impannelled.

And in case any defendant will not make his plea, or join issue, judgment shall be given against him upon a *nihil dicit*.

That the general issue of not guilty, *nil debet*, no wrong, or disseisin, or any other general plea proper to the action, whereby the whole declaration is put upon proof, according to the nature of the case, may be made by the defendant; under which general plea, the defendant shall have liberty, upon trial of the case on such general issue, to give his title in evidence, or any other matter in his defence or justification, as the nature of the action may be; excepting only a discharge from the plaintiff, or his accord, or some other special matter, whereby the defendant, by the act of the plaintiff, is saved, or acquitted from the plaintiff's demand in the declaration.

And whensoever any party shall suppose he has missed his plea, whether the general issue, or special plea, which would have saved him in his just cause, he shall have liberty to alter his plea; and the opposite party shall have a reasonable time assigned him, for making answer thereto. And if the new plea be found insufficient for the justifying him that made it, reasonable satisfaction shall be awarded by the court before which the trial is, to the other party, for the greater delay which is made thereby, according to the interest of money, rent of land, or improvement of any other thing, recovered by the suit.

Provided nevertheless, that no defendant shall, in the trial of any cause, be admitted to demur to the declaration, after he has pleaded to issue, and a judgment thereon hath been given by any court; any thing to the contrary before, in this act, notwithstanding.

AN ACT for maintaining and supporting the Poor.

Be it enacted, &c. that each town in this State shall take care of, support, and maintain their own poor.

And the select-men for the time being, or overseers of the poor, (where any such are chosen) shall have full power to expend or disburse, out of the town stock, or treasury, what they shall judge necessary from time to time, for the relief and support of any of the poor belonging to their towns, so far as to the amount of ten pounds; and if more be needful, the said select-men, or overseers, or the major part of them, shall, with the advice of the authority of that town, (if any there be) expend and disburse what shall be by them judged needful for the relief of the poor, as aforesaid.

And in case there be no justice of the peace in any town, the select-men, or overseers aforesaid, of such town, may act as fully as if they had such advice in the case aforesaid, for the relief of their poor, and for the supplying them, or any of them, with victuals, cloathing, fire-wood, or any other thing necessary for their support or subsistence.

And if any select-men, or overseers of the poor, do neglect or refuse to give a just account, upon oath, of what he has expended as aforesaid, and of what of the town stock or money is in his custody, upon ten days warning, before an assistant or justice of the peace, when called to it by the town, and to return what is not expended to and for the use aforesaid, to the town; he or they shall be committed, by an assistant or justice of the peace, to the common goal, there to remain, at his or their own cost and charge, until he or they shall give such account, and make such return as aforesaid.

That if any poor person or persons, who have had, or shall have, relief or supplies from any town, shall suffer their children to live idly, or mis-spend their time in loitering, and neglect to bring them up or employ them in some honest calling, which may be profitable to themselves and the public; or if there shall be, at any time, any family that cannot, or do not, provide competently for their children, whereby they are exposed to want, or extremity; or if there be any poor children in any town, belonging to such town, that live idly, or are exposed to want and distress, and there are none to take care of them, it shall and may be lawful for the select-men, or overseers of the poor, in each town, and they are hereby impowered and directed, with the assent of the next assistant or justice of the peace, to bind out any and every such poor child or children, belonging to such town, to be apprentices, or servants, where they shall see convenient, a male child, till he comes to twenty-one years of age, and a female, till she comes to the age of eighteen years: which binding shall be as effectual, to all intents and purposes, as if any such child were of full age, and by indenture of covenant had bound him or herself.

And that if any person or persons shall come to live in any town in this State, and be there received and entertained, by the space of twelve months; and if, by sickness, lameness, or the like, he or they come to want relief, every such person or persons shall be provided for by that town wherein he or they were so long entertained, at said town's own proper cost and charge, unless such person or persons by law are to be provided for by some particular person or persons; or unless such person or persons wanting relief, have, within the said twelve months, been warned as the law directs, to depart and leave the place: and if such warning be given, and the same be certified to the next superior court to be held in the same county, the said court shall and may otherwise order the defraying the charge arising about such indigent person or persons.

AN ACT relating to Witnesses, and taking Affidavits out of Court.

Forasmuch as it is often necessary that witnesses in civil causes, be sworn out of court, when, by reason of living more than twenty miles distant from the place where the cause is to be tried, age, sickness, or other bodily infirmity, they are rendered uncapable of travel, and appearing at court.

To the intent, therefore, that all witnesses may indifferently testify their certain knowledge, and the whole truth in the cause they are to testify unto,

Be it enacted, &c. that, for either of the reasons before mentioned, every assistant or justice of the peace, may take affidavits out of court, so as a notification, with reasonable time, be first made out, and delivered to the adverse party (if within twenty miles of the place) or left at the place of his dwelling, or usual abode, to be present at the time of taking such affidavit, if he think fit.

And every such witness shall be carefully examined, and cautioned to testify the whole truth; and being sworn, the assistant or justice shall attest the same, with the day, month, and year of the taking thereof, and that the adverse party was present, (if so) or that a notification was sent him; and shall seal up the testimony, and deliver it to the party (if desired) at whose request it was taken.

And no person interested shall write, or draw up, the testimony of any witness in such case, nor any attorney in his client's cause: and if it manifestly appear any testimony to be written or drawn up by any interested, or the attorney in the cause; or be returned from any assistant or justice of the peace, by other hand than his own, into the court where the same is to be used, unsealed, or the seal having been broken up; all such testimonies shall be rejected by the court, and be utterly void, and of none effect in law.

That every assistant or justice of the peace, shall be, and are hereby impowered, upon request to him made, to grant summons for the appearance of any witness before him, in any civil or criminal cause, where the witness is travelling out of the State before the time of trial, and to take his deposition in such case, the adverse party being present, or notification sent him, as aforesaid.

Provided nevertheless, that witnesses to bonds, specialties, letters of attorney, and other instruments in writing, under the hand of the party executing the same; or to accounts, or testimonies relating to persons out of this State, may be sworn without such notification as aforesaid.

That if any person or persons, upon whom any lawful process shall be served, to testify or give evidence concerning any cause or matter depending in any court in this State, and having tendered unto him, her, or them, such reasonable sum or sums of money for his, her, or their costs and charges, as, having regard to the distance of the place, is necessary to be allowed, as the law requires in that behalf, do not appear according to the tenor of the process or summons, having no lawful or reasonable let or impediment to the contrary, that then the party so making default, shall, for every such offence, lose and forfeit the sum of three pounds, and shall yield such further recompense to the party damaged, according to the loss and hindrance he shall sustain, by reason of the non-appearance of the said witness or witnesses: the said several sums to be recovered by the party so grieved, against the offender or offenders, by action of debt, bill, plaint, or information, in any court of record.

Be it enacted, that no person shall be put to death for any crime committed, but by the testimony of two or three witnesses, or that which is equivalent.

And that all witnesses upon criminal cases, shall have their expenses borne and paid out of the county treasury, where the case is tried in the county courts.

And such witnesses that attend the superior courts, in criminal and capital cases, shall have their necessary expenses borne and paid out of the State treasury.

And be it further enacted, that all executors of wills, within this State, shall have liberty to have the witnesses to such wills examinedand sworn in the usual form, before the next assistant or justice of the peace; which assistant or justice shall enter the oath of the witnesses on the backside of the will, and attest the same; and the oaths of the witnesses so taken, shall be accepted by the court of probate, as if they had been taken before the said court.

AN ACT for preventing stallions, or stone-horses, running at large in this State.

Whereas, it has been found by experience to be dangerous for stallions to run at large, and a ready way of spoiling a good breed of horses.

Which evils to prevent,

Be it enacted, &c. that if any person or persons, shall suffer any of his, her, or their stallions (of one year old and upward) to run at large, on any of the commons or highways in this State, (whether fettered, hoppled, or not,) it shall and may be lawful for any person or persons, to take up, castrate, and impound, every such horse, horses, colt, or colts; which castration shall be at the risque and charge of the owner or owners.

And if the owner or owners are known, the impounder shall forthwith inform him or them thereof; and the owner or owners being so informed, and shall neglect or refuse to redeem such horse, horses, colt, or colts, (within twenty-four hours after such notice given,) by paying all cost and charge that hath arisen, by reason of said stallion or stallions being taken up, castrated, impounded, and trouble of giving information, it shall and may be lawful for the constable of the town where such horse, horses, colt, or colts are impounded, to sell said horse, horses, colt, or colts, at an outcry, after posting them, ten days before such sale; and the monies that shall be collected by such sale, after paying all necessary charges, costs, and damages, (if any there be) shall be paid to the owner or owners of such horse, horses, colt, or colts.

And if the owner is not known, the constable of such town shall cry such stallions in the three next adjoining towns, by posting their natural and artificial marks; and likewise in the town or towns where such horse or horses were branded, (provided the brand belongs to any town in this State) twenty days; and if no owner or owners appear within twenty days, to dispose of such horse, horses, colt, or colts, as directed in cases where the owner or owners were known, and neglected or refused to redeem them; and the monies arising from such sale or sales, (if any be) over and above all cost, charges, and damages, shall be put into the treasury of such town where such horse or horses were impounded, there to be kept for the owner: and if the owner of such stallions doth not appear within one year after such impounding, the money shall belong, and be appropriated to the use of the town were such stallions were impounded.

AN ACT to prevent the selling or transporting raw, or untanned Hides or Skins out of this State.

Be it enacted, &c. that no person or persons shall, directly or indirectly, sell, or transport, or send away out of this State, (except it be to exchange for leather) any raw or untanned hides, or skins of any neat cattle, (continental property excepted) upon pain of forfeiting the sum of thirty shillings lawful money, for every such hide or skin so sold, transported, or sent away; one half thereof to the complainer who shall prosecute the same to effect, and the other half to the treasury of the county where the offence is committed.

AN ACT for the punishment of Defamation.

Whereas defamation and slander is a growing evil, and tends much to the disturbance of the peace:

Be it enacted, &c. that whosoever shall defame or slander any person or persons whatsoever, and be thereof legally convicted before any court in this State, shall pay a fine, not exceeding thirty pounds, to the public treasury of the county in which such offence is committed; and the person or persons slandered, shall have such costs and damages as the court and jury that have cognizance of the said case, shall judge to be reasonable and just.

And whereas defaming the civil authority of the State, greatly tends to bring the same into contempt, and thereby to weaken the hands of those by whom justice is to be administered.

Which great evil to prevent,

Be it enacted, that whosoever shall defame any court of justice, or the sentence or proceedings of the same; or any of the magistrates, judges, or justices of any such court, in respect of any act or sentence therein passed, and be thereof legally convicted before any of the general courts, or superior courts in this State, shall be punished for the same by fine, imprisonment, disfranchisement, or banishment, as the quality and measure of the offence, in the opinion of the court before whom the trial is had, shall deserve.

AN ACT for the directing and regulating of civil Actions.

Be it enacted, &c. that the ordinary process in civil actions in this State, shall be a summons, or attachment, fairly written, signed by a magistrate, justice of the peace, or clerk of the court, mentioning the court, the time and place of appearance; therein also containing a declaration of the substance of the action: which attachments may be granted against the goods or chattels of the defendant; and for want of them, the lands or person of the defendant may be attached;—*provided*, the plaintiff, when he prays out an attachment, satisfies the said authority, by oath, or sufficient evidence, that he is in danger of losing his just dues, unless attachment be granted; and also give sufficient security to prosecute his action to effect, and answer all damages in case he make not his plea good.

And all writs and processes shall be directed to the sheriff, his deputy, or some constable, if such officer can be had without great charge or inconvenience: and in every case wherein the authority signing a writ shall find it necessary to direct the same to an indifferent person, such authority shall insert the name of the indifferent person in the direction of the writ, and the reason of such direction; and if any writ be otherwise directed, it shall abate.

Provided nevertheless, that nothing herein shall extend to effect summonses for witnesses, warrants to collectors of rates, or warrants granted by military officers.

And that no person shall be required to make answer, in any civil action, real, personal, or mixt, except the process, if returnable to the superior or county court, hath been served upon the defendant at least twelve days inclusive, before the day of the court's sitting; or if returnable to an assistant or justice of the peace, that the same hath been served six days inclusive, as aforesaid; which service shall be, if a summons, by reading the same in the hearing of the defendant or defendants, or leaving an attested copy thereof at the place or places of his or their usual abode; but if an attachment, the service shall be the attaching of the defendant's estate or person, and giving him notice by reading the writ to him, or in his hearing; or by leaving an attested copy thereof at the place of his usual abode, if that be within this State: and that all such writs as are made returnable to the county courts, shall be returned to the clerks of said courts, on the day before the sitting of such county courts, and not afterwards.

That in case any process be duly served on any defendant or defendants, and return thereof made to the court to which the same is made returnable; then, if such defendant or defendants do not appear, his or their default shall be recorded, and judgment entered up against him thereupon;—unless, before the jury be dismissed, he or they shall come into court and move for a trial; in which case he or they shall be admitted thereto, upon paying down to the adverse party, the costs to that time; and the plaintiff shall pay for entering the action a-new.

But when it shall so happen that the party against whom suit is brought, is not an inhabitant, or sojourner in this State, or is absent out of the same, at the time of commencing such suit, and doth not return before the time for trial, the judges of the court before whom such suit is brought, shall continue the action to the next court; and if the defendant do not then appear, (by himself or attorney,) and be so remote that the notice of such suit depending could not probably be conveyed to him during the vacancy, the judges, at such next court, may further continue the action to the court thence next following, and no longer; but may enter up judgment on default, after such continuance or continuances: and in such cases, where judgment shall be entered up by default, after such continuance as aforesaid, execution shall be stayed, and not issue forth thereon, until the plaintiff shall have given, or lodged with the clerk of said court, a bond, with one or more sufficient sureties to the adverse party, in double the value of the estate or sum recovered by such judgment, to make restitution, and to refund and pay back such sum as shall be given in debt or damage, or so much as shall be recovered upon a suit therefor, to be brought within twelve months next after the entering up of the first judgment, if upon such suit the judgment shall be reversed, annulled, or altered; the security to be no further answerable than for the recovery that shall be made upon such suit to be had within twelve months, as aforesaid.

Provided also, that no real estate, taken in execution granted upon such first judgment, shall be alienated or passed away, until after the expiration of the said twelve months, or after a new trial had on a suit brought within the space of twelve months, for the obtaining restitution as aforesaid.

Be it further enacted, that if any person who hath entered an action to be tried in any court, being called three times (after twelve of the clock on the first day of the court's sitting) shall not appear, either by himself or his attorney, to prosecute his action, he shall be non-suited, and pay all cost and charges to the defendant, and for the entry of the action, as if the same had been prosecuted in such court. And that the plaintiff, in all actions brought to any court, shall have liberty to withdraw his action, or to nonsuit himself, before the jury have given in their verdict; in which case he shall pay full costs to the defendant; and may afterwards renew his suit at another court, the former withdraw or nonsuit being first recorded.

Be it further enacted, that there shall be free liberty of process, and the same is hereby granted, in all civil actions, according to law, at any adjourned county court, as well as at the stated county courts.

And be it further enacted, that all suits brought for the trial of the title of lands, or wherein the title of lands is concerned, shall be tried in the same county where the land lies, or facts are done, concerning which the title of land may be in question. And that all other actions that may be brought before the county courts, shall be brought and tried in the county where the plaintiff or defendant dwells, if they or either of them are inhabitants within this State. And that all suits and prosecutions cognizable before an assistant or justice of the peace, shall be made and prosecuted before such authority, in those towns only, where the plaintiff or defendant dwells; unless there be no authority which may lawfully try the cause in either of the said towns; in which case the plaintiff may bring his suit before an assistant or justice of the peace in one of the next adjoining towns to the place of his abode.

And be it further enacted, that all causes wherein the title of land is not concerned, and wherein the debt, trespass, damage, or other matter in demand, doth not exceed ten pounds, shall and may be heard, tried, and determined, by any one assistant or justice of the peace; who are hereby impowered to hear and determine the same by jury or otherwise, according to law, and award execution on their judgment given in such cases; and that either plaintiff or defendant shall have a right to demand a jury of six men to try such causes.

Be it further enacted, that the judges of the superior or inferior courts, assistants, and justices of the peace, shall determine matters of law, stated and referred to them by the jury in their special verdicts; which verdicts the jury in all cases wherein matters of law are to them so obscure, that they cannot clearly and safely give a positive verdict, shall have liberty to give a special verdict therein, finding and presenting the facts, and thereon stating and putting the question in law, viz:—if the law be so, then we find for the plaintiff; but if the law be otherwise, then we find for the defendant.

Be it further enacted, that the judges of the court, assistants, and justices of the peace, shall have liberty, if they judge that the jury that attend their respective courts have not attended to the evidence given in, and the true issue of the the case, in their verdicts, to cause them to return to a second consideration of the case; and shall, for the like reason, have power to return them to a third consideration, and no more. And when the court have committed any case to the consideration of the jury, the jury shall be confined under the custody of an officer appointed by said court, until they are agreed on a verdict: and the court may set a suitable fine, not exceeding forty shillings, upon such officer or juryman as shall be disorderly, or neglect or refuse a due attendance of their duties respectively, during their attending the court.

And that when the parties have made their pleas in any court, and given their evidence, and the case be committed to the jury, there shall be no after-pleas, arguments, evidences, or testimonies, heard or received in such case.

And be it further enacted, that if any person shall be aggrieved with the sentence or determination of any assistant or justice of the peace, he may remove his case, by appeal to the next county court, in that county where the case was first tried; the person appealing, giving bond, as is hereafter provided. And if any person or persons shall be aggrieved with the sentence or determination of any county court, the party aggrieved may appeal therefrom to the next superior court, to be held in the same county; or by a new process, once, and no more, may review his cause in the next session of the same county court where it was before tried. And if either party be aggrieved with the judgment or determination of the county court, upon trial of the cause by review, he may appeal to the next superior court, in the same county. And if either party be aggrieved with the issue and determination of the superior court, upon the first trial of the cause, then he may, by a new process, once, and no more, review his case in the next session of the same court, there to be tried to a final issue; provided the case be brought directly to the superior court, by appeal from the first judgment of the county court: but if the case be brought to the superior court, by appeal from the judgment of the county court given on a review, it shall have a final issue by the judgment and determination of the superior court, upon the first trial there.

Always provided, that all appeals and reviews shall be entered during the time of the sitting of the court from whose judgment such appeals and reviews shall be made, and within twenty-four hours after judgment be given: and sufficient bond, with sureties, shall be given in to the said court, by the person appealing or reviewing, to prosecute his appeal or review to effect, and answer all damages in case he make not his plea good: in all which cases, execution shall be stayed until there shall be an issue of the case; and the party who shall recover his action, shall have all his just damages and cost allowed him.

Provided nevertheless, that from a judgment given by an assistant, or justice of the peace, in a case wherein the debt, damage, or other matter in demand, doth not exceed the sum of six pounds, or if the debt be due by bond, bill, or note, for the payment of money or grain, avouched by one or two witnesses, and doth not exceed the sum of ten pounds, no appeal shall be allowed.

Also, that when judgment shall be given in the county court, in any case brought there by an appeal, wherein the title of land is not concerned, no appeal or review to be allowed.

And that upon a judgment or determination of the county court, in suits brought directly there, upon bonds, bills or notes for the payment of money or grain, avouched by one or two witnesses, no review nor appeal shall be allowed.

Also, that from a judgment of the county court, in any action wherein the title of land is not concerned, and where the debt, damage, or other matter doth not exceed the sum of sixty pounds, no appeal shall be allowed.

And also, when either plaintiff or defendant shall, in any action, recover judgment upon the first and second trial, by the court and jury, the judgment on such second trial shall be a final issue, and no appeal or review shall be allowed from the same; any thing in this act before to the contrary in any wise notwithstanding.

And be it further enacted, that all appeals to any of the superior or county courts in this State, shall be entered in such courts respectively, before the second opening of such court, and not after; unless the appellant shall pay to the appellee all his cost in such case arisen to that time, to be taxed by the court; which being done, the action may be entered by the appellant, before the jury attending such court are dismissed, and not after: which costs, so taxed and paid, shall not be considered nor allowed in making up the bill of cost in the final determination of the case.

And be it further enacted, that any one assistant or justice of the peace, shall have full power, and are hereby authorised and impowered, to take, and accept a confession and acknowledgment of any debt, from a debtor to his creditor, either upon, or without an antecedent process, as the parties shall agree; which confession shall be made only by the person of the debtor himself: and, on such confession so made, the assistant or justice shall make a record thereof, and thereon grant out execution in due form of law. And if it so happen that such execution shall be levied on the lands of any such person, confessing as aforesaid, according to the laws directing the levying executions on lands, it shall be returned to, and recorded in the office of the clerk of the county court in the same county where such land lieth; provided such land lieth within a town where there is no town clerk, qualified by law to record deeds; but if such land lieth in any town where there is a town clerk, qualified as aforesaid, in such case, every such execution shall be returned to, and recorded in the town clerk's office where such lands lie; and being so done and recorded, shall be good evidence of a title to such creditor for whom it shall be taken as aforesaid, their heirs and assigns, provided no confession shall be made or taken in the manner aforesaid, for more than the value of two hundred pounds debt, together with cost. And if any debtor shall tender such confession to a creditor, and the creditor shall refuse it, he shall lose any cost that he shall, after such tender, be at, in procuring judgment for his debt afterwards, unless it appear that such tender was not for the whole sum due.

AN ACT regulating Trials and Appeals.

Whereas, no county courts have been established in this State; which makes it necessary that all such cases, or actions as would otherwise be heard before such county courts, should now be heard and determined in the superior court.

Be it enacted, &c. that all actions or suits that are by law, directed to be heard and determined by way of appeals or otherwise, in the county courts in this State, shall be heard and determined in the same manner in the superior court in each county in this State, as they are by law directed to be heard and determined in the county courts. And the superior court shall have all the powers and jurisdictions that are by law, vested in the county courts, until county courts are regularly established in each county in this State.

Be it further enacted, that all actions that shall, by virtue of this act, be brought to the superior court, that otherwise would have been brought to the county court, and might by law have been appealed to the superior court; if either party be aggrieved with the judgment rendered in such case, they may have a second trial in the superior court, by way of review.

AN ACT making the Laws of this State temporary.

Be it enacted, &c. that each and every act of this State that have been passed into laws by the General Assembly of this State, at their sessions holden at Bennington, February, 1779, be hereby declared to be temporary acts or laws, and to remain in full force until the rising of the General Assembly in October next.

And be it further enacted, that no court, or justice, shall take cognizance of any matter or thing in which the title of land is concerned, or in any action of contract where the parties appear to have made a bargain, or contract, by note, bond, debts, or agreement in writing, or otherwise; any act or law to the contrary notwithstanding.

BY HIS EXCELLENCY

THOMAS CHITTENDEN, ESQ.

Captain-General, Governor and Commander in Chief in and over the State of Vermont:

A PROCLAMATION.

WHEREAS the virtuous efforts and laudable exertions of the good people of this State, have not only enabled them (by the benevolent interposition of the all-wise Governor of the universe) to frustrate the wicked devices, the despotic and tyrannical designs of their foreign as well as domestic enemies, but has procured to themselves the inestimable blessings of a free and independent government, and merited the esteem and confidence of the UNITED STATES OF AMERICA.

And whereas it has ever been found (by universal experience) in all free governments, to be of the highest importance, both for the honor of GOD, the advancement of religion, and the peace, safety, and tranquility of the inhabitants thereof, that good and wholesome laws be established, and justice impartially administered throughout the same, in order to secure each subject in the peaceable enjoyment of his rights and liberties both civil and religious. And whereas the laws of this State are now promulgated in a full and legal manner amongst the inhabitants thereof, whereby each subject may become acquainted with his duty.

I have therefore thought fit, by and with the advice of my Council, and at the request of the General Assembly, to issue this Proclamation, and do hereby strictly require, charge, and command all persons, of what quality or denomination soever, residing within this State, to take notice thereof, and govern themselves accordingly, on pain of incurring the penalties therein contained.

And I do hereby further strictly require and command all magistrates, justices of the peace, sheriffs, constables, and other civil officers, to be active and vigilant in executing the laws aforesaid, without partiality, favor or affection.

Given under may hand, and the seal of this State, in the Council Chamber, in Bennington, this 23d day of February, in the third year of the Independency of this and the United States of America, and in the year of our LORD, one thousand seven hundred and seventy-nine.

THOMAS CHITTENDEN.

By His Excellency's command, with advice of Council,

JOSEPH FAY, *Sec'y.*

GOD SAVE THE PEOPLE.

LAWS PASSED AT WINDSOR,

JUNE SESSION, 1779.

AN ACT to prevent persons from exercising authority, unless lawfully authorised by this State.

WHEREAS, there are divers persons within this State, who have opposed, and do continue to oppose, the government thereof; and who do, by every way and means in their power, endeavor to obstruct the free exercise of the powers of government within the same:

Which mischief to prevent,

Be it enacted, &c. that if any person within this State, (except continental officers) shall, after the first day of September next, accept, hold, or exercise any office, either civil or military, from or under any authority, other than is or shall be derived from this State, and be thereof duly convicted, shall, for the first offence, pay a fine not exceeding one hundred pounds, lawful money, according to the discretion of the court which may have cognizance thereof: and for the second offence of the like kind, shall be whipped on the naked body not exceeding forty stripes, according to the discretion of the court before whom they are prosecuted: and for the third offence, shall have their right ear nailed to a post, and cut off; and be branded in the forehead with the capital letter C, on a hot iron. This act to continue in force until the rising of the Assembly in October, 1780, and no longer.

AN ACT to grant liberty of suing in certain cases therein named.

Whereas it is judged inconvenient (by this Assembly) to put the law for collecting of debts due from one man to another, by bond, note, book, covenants, or agreements, in force for the present.

Notwithstanding which it is found necessary, for the support of government, and to carry on the war against our British enemy, that all obligations of what kind soever, that are given in or on account of any prosecution of any action that may by law be prosecuted; as also any covenant, promise or agreement made for the same purpose, be liable to be sued and prosecuted to final judgment and execution.

Be it enacted, &c. that all obligations, of what kind soever, that have or shall be given, in or on account of carrying on any prosecution of any action, that may by law be prosecuted, or on account of carrying said prosecution into execution; as also all covenants and agreements made for the same purpose, may be sued for, and prosecuted to final judgment and execution; any law, usage, or custom to the contrary notwithstanding.

This act to continue in force until the rising of the Assembly in October next, and no longer.

AN ACT for raising the Fees and Fines heretofore stated by the laws of this State.

Be it enacted, &c. that all fees and fines shall be double to what they stand in the laws, the judges of the superior court only excepted; who are each to have twelve dollars per day, with the milage the Assemblymen have.

This act to remain in force until the rising of the Assembly in October next, and no longer.

AN ACT impowering two or three Justices to try a cause of one hundred pounds; and forbidding appeals to delinquents for neglect of military duty.

Be it enacted, &c. that two or three justices shall have power to try such actions as they have heretofore been impowered to try, to the amount of one hundred pounds: and that one justice shall have power to try such actions, to the amount of forty pounds:—and that there shall be no appeal for a delinquent for neglect of military duty.

This act to remain in force until the rising of the Assembly in October next, and no longer.

LAWS PASSED AT MANCHESTER,

OCTOBER SESSION, 1779.

AN ACT directing and regulating the choice of Judges of the Superior Court.

Whereas no particular directions are given in the Constitution for regulating the choice of Judges of the Superior Court; in consequence of which it is necessary that some proper mode be provided by the General Assembly. Therefore,

Be it enacted, &c. that in future the Judges of the Superior Court shall be chosen in October annually, by the Governor, Council and House of Representatives, by their joint ballot.

AN ACT in addition to an act, entitled, An Act for the regulating and stating Fees.*

Be it enacted, &c. that each juryman attending at the superior or county court, shall have one pound ten shillings for trying each cause; and each juryman for attending a justices court, one pound for trying each case. Attorneys fees for each case in the superior or county court, six pounds. County surveyors fees per day, six pounds ten shillings.

And be it further enacted, that all fees and fines shall be three-folded as they stand in the laws passed before this session—except jurymen's fees, which is hereby repealed.

AN ACT to revive the Laws passed by the Legislature of this State.

Be it enacted, &c. that each and every act and law of this State, be, and remain in full force and virtue until the rising of the Assembly, in March next.

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* Repealed, Nov. 8, 1780.

AN ACT appointing Commissioners for the better regulating Titles of Land within this State, and declaring their power.

Whereas, there are many tenements, farms and tracts of land, situate within this State, claimed by sundry persons, under divers titles, occasioned partly from the unsettled situation the people of this State have heretofore been in, and partly by the avaricious views of those governors, who under the King of Great Britain, feared not to give patents directly interfering with each other, and many settlers have moved on to said lands under those different titles, and undergone innumerable hardships in settling farms, and now to dispossess them, would be cruel and unjust: while others have been intruders and trespassers from the beginning; and to establish them, in seclusion of the lawful freeholders, would be equally iniquitous and unjust.

And whereas many inconveniences must attend trials at law, in strict legal ajudications of such a multiplicity of disputes, as well to individuals as the public; such as delays of justice in many instances, increasing of broils and contentions; which great evils to prevent,

Be enacted, &c. that Joseph Bowker, Esq., Joseph Tyler, Esq., John Strong, Esq., Edward Harris, Esq., and Capt. Edmund Hodges, be appointed and commissionated by his Excellency the Governor of this State, and sworn in the form of the oath hereafter prescribed, to be commissioners for the purposes aforesaid; and that the said commissioners, or any three of them, be, and they are hereby, authorised and impowered, to do and perform the several acts, matters and things hereafter named; to wit: that the said commissioners, or any three of them, shall have power to take into consideration, and fully examine, all the evidence relating to, or respecting, the titles of controverted lands in this State: for that end, they shall have power, to send for persons, to administer oaths, to call upon the parties for charters, patents, deeds of conveyances, and all other writings respecting their title to said lands: as also to examine the parties upon oath; and shall make report to this Assembly, at their next session,or at the session of General Assembly in October next, which of those various claimants to the same land ought, in justice and equity, to possess and forever hold the fee of said land, with the remittances said fee-holders shall make to the other claimants; together with the evidence and reasons upon which said report shall be grounded.

And be it further enacted, that upon application made by any person, claming lands in the actual possession of another, whereon improvements have been made, to ——— or, in his absence, to —— they, or either of them, are hereby impowered to summon any two or more of the commissioners aforesaid, to convene in that particular town, wherein the disputed land lieth; notifying therein the time and place of convening; and also to grant a citation to the person making application, to summon the person in actual possession, to answer him in his claim, before said commissioners, at the time and place of their convening as abovesaid: which citation shall be served on the adverse party, at least twenty days before said commissioners convene: and said commissioners, after making out their reports, shall lodge a true and attested copy of each report, fourteen days before the sitting of the General Assembly, at their next session, or at the session in October next, in that particular town clerk's office, in which the land lieth, that each and every party may have the perusal thereof. And said commissioners shall, on or before the opening of the General Assemblies aforesaid, deliver to the clerk of said Assembly, the various reports they shall have made; which reports shall be read, with the evidence and reason of each report, on the first day of the Assembly's meeting, and shall then be laid on the table for each member's perusal, at least four days before they shall pass the house: after which the reports shall be taken up the second time, and read; when all persons remonstrating against any of said reports, shall be heard; and each report that shall be approved and adjudged to be established by said Assembly, and ordered to be carried into execution, a copy of the resolve of said Assembly shall be sent to the town clerk's office where the land lieth; and and the clerk of said town is hereby required, on the receipt of said copy from the General Assembly, to record the report and resolution of the Assembly, in the register book of said town; which shall be forever after deemed and considered an indisputable title to said lands, and the appurtenances thereof, in seclusion of all claims and demands whatsoever, of the party or parties in the trials aforesaid.

And be it further enacted, that no cause or action shall be commenced or prosecuted, in which the title of land is any way concerned: and all actions now depending before any court, assistant, or justice of the peace, wherein the title of land is concerned, shall be removed from said court, assistant, or justice of the peace, in the same manner in which they now stand, to said commissioners, who are also hereby impowered to take notice of the cost that hath hitherto arisen: and all persons now in actual possession of land, shall be and remain in quiet and peaceable possession, until the General Assembly shall determine the same.

And be it further enacted, that each and every of the said commissioners, before they shall take upon them the exercise of said office, do, before an assistant, or justice of the peace, take the following oath, viz:

You —— being appointed one of the commissioners, according to the form and effect of an act, entitled "an act appointing commissioners for the better regulating titles of land within this State, and declaring their power," do most solemnly promise and swear, by the ever living God, that you will, to the best of your knowledge and ability, without favour or affection, faithfully execute and perform, as well to justice between parties as for the benefit and advantage of the inhabitants of the State of Vermont, all and singular the powers and authorities, by force and virtue of said act unto you given. So help you God.

And be it enacted, that the person or persons making application to the commissioners aforesaid, shall be holden to pay the same fees to said commissioners, as is allowed to the judges of the superior court: and they are hereby impowered to grant executions accordingly.

AN ACT constituting the Superior Court a Court of Equity, and declaring their power.

Whereas, from the universality of the law, many cases will arise, wherein it is necessary that some further provision be made for relief in equity, than can be obtained by the rules of common law. To the intent therefore that justice and equity may be jointly administered;

Be it enacted, &c. that the superior court shall be, and it is hereby, constituted a court of equity, and impowered to hear and determine all cases in equity that shall be brought properly before said court, wherein the demands, dues, matter or cause in dispute, is above twenty pounds, and doth not exceed the sum of four thousand pounds, lawful money: and on consideration of the several pleas and allegations made by either party, may moderate the rigor of the law, decree and enter up judgment therein agreeable to equity and good conscience, and to award execution accordingly.

And be it further enacted, that all cases in equity, wherein the demands, dues, matter or cause in dispute, shall exceed the sum of four thousand pounds, shall be heard and determined by the Governor and Council and House of Representatives.

And be it further enacted, that the form of the process in equity shall be, that the party aggrieved or oppressed, by the forfeiture or penalty annexed unto any articles of agreement, covenant, contract, bond, or other specialties, or forfeiture of estate on condition executed by deed of mortgage, or any other cause proper for a court of equity, may bring his suit for remedy and relief therein, by filing a bill, in form of a petition, in that particular court that hath cognizance of the same, therein setting forth at large the cause for relief: and shall cause the adverse party to be served with a copy of said petition, and a citation to be signed by the clerk of said court, or by an assistant, or justice of the peace, twelve days before the day of the sitting of the same.

Provided always, that the party aggrieved at any judgment to be given as aforesaid, wherein title of land is concerned, shall have liberty of review, as in other cases is provided at the common law, and shall also have the liberty of appeal from the superior court to the Governor and Council and General Assembly.

And be it further enacted, that all causes in equity, now depending before the General Assembly, wherein the demand does not exceed the sum of four thousand pounds, shall be referred to the superior court, in the same manner in which they now stand.

LAWS PASSED AT WESTMINSTER,

MARCH SESSION, 1780.

AN ACT to prevent unlawful settlement on unappropriated Lands.

Be it enacted, &c. that if any person or persons shall, after the passing of this act, presume to make settlement, or improve any unappropriated lands within this State, without first obtaining a legal title to the same, shall forfeit all such settlement, labor and improvements to this State, and shall be obliged to give up possession, and pay all cost and damages that shall accrue.

Provided always, that nothing in this act be construed to debar any person or persons from recovering pay for labor, settlement, &c. where it can be made to appear that such settlement was made through mistake, or on a supposed legal title. And to prevent fraud in sales of land, by persons who pretend to a title by virtue of their names being annexed to any petition or petitions on file, in the Secretary's office, for granting; all persons are hereby cautioned against such purchases, as they are unjust in their nature, and will not be considered as legal.

AN ACT regulating the tryal of persons who on being arraigned for treason, felony and crimes against the State, stand mute or refuse to plead.

Whereas the judgments directed by the common law, so far as they respect the manner of putting the offender to death, are marked by circumstances manifestly repugnant to that spirit of humanity which should ever distinguish a free, civilized and christian people;—

For remedy whereof,

Be it enacted, &c. that in all cases of treason, felony, or crimes against the State, where the party indicted or complained of, shall, on being arraigned, obstinately stand mute or refuse to plead and be tried in due course of law; such obstinately standing mute or refusal to plead and be tried as aforesaid, shall be adjudged to amount to, and be a proper traverse or denial of the facts charged in the indictment or complaint, and the trial shall thereupon proceed in like manner, and the same judgment shall be given against the said party, if found guilty, as if he, she, or they had, on being arraigned, duly plead, and in proper form respectively put themselves on their tryal.

AN ACT for the purpose of impowering the inhabitants of the respective towns in this State, to tax themselves for certain occasions.

Whereas it is found necessary for towns as such, to raise sums of money for the carrying on the war, to purchase ammunition for town stock, to support the poor, and many other purposes which they may find necessary, not inconsistent with the Constitution of this State. Therefore,

Be it enacted, &c. that the inhabitants of the respective towns in this State be, and they are hereby authorised to vote a tax for the purpose of carrying on the war—for procuring a town stock of ammunition—for the support of the poor of such town, or any other purposes which they may find necessary, not inconsistent with the Constitution of this State, at their annual town meeting, or at any other meeting warned for that purpose; which meeting shall be warned at least ten days before the holding such meeting, by the select-men. And the respective collectors of town rates are hereby authorised to collect such taxes when directed thereto by warrant from an assistant or justice of the peace; and the collectors of such rates shall lodge the money, so collected, in the town treasury, to be drawn out and disposed of, by the select-men, for the purpose or purposes for which it was raised.

Provided always, that no person be compelled, by the major vote of said town, to build or repair a meeting-house, or support a worship, or minister of the gospel, contrary to the dictates of his conscience; provided said person or persons shall support some sort of religious worship, as to them may seem most agreeable to the word of God; any thing in this act to the contrary notwithstanding.

AN ACT to prevent transporting Provisions out of this State.

Whereas large quantities of provisions are continually exported out of this State, which, if not immediately prevented, will render it impracticable to furnish the troops raised for the defence of the northern frontiers. Therefore,

Be it enacted, &c. that any and all further transportation of wheat, rye, indian corn, flour or meal of any kind, as also pork, beef, or any other provisions whatever, that may be useful for supplying the troops raised by this State, be, and is hereby strictly prohibited and forbid to be transported out of this State, except for the use of the Continent, or that the same be permitted by the Governor with the advice of three or more of his Council. And all sheriffs, grand-jurors, and select-men, in their respective towns, and all persons whatever within this State, are hereby authorised and required to seize any and every of the above mentioned articles, which they have reason to suspect any person or persons may be carrying out, or purchased to be carried out of this State, contrary to the true intent of this act; and if need be, to command assistance, and make returns in writing, of said seizure, to the next assistant or justice of the peace; and unless said person or persons shall satisfy the court before whom the examination be had, that he or they were not conveying any of the afore mentioned articles out of this State, said articles shall be forfeit, or such person or persons fined not exceeding forty pounds, at the discretion of the court before whom the trial shall be had; the one half of the forfeiture or fine to the use of this State, the other half to the person prosecuting to effect.

Be it further enacted, that if any person or persons shall transport any of the above prohibited articles out of this State, and be thereof convicted before any court proper to try the same, he or they shall forfeit and pay unto the treasurer of this State the value of said articles so transported, to be recovered by bill, plaint, or information. This act to continue in force until the fifteenth day of August next, and no longer.*

AN ACT regulating the choice of Field and Staff Officers.

Be it enacted, &c. that whenever by death, resignation, disqualification or otherwise, any regiment or regiments shall be destitute of any field or staff officer, or officers, that it shall be the duty of the captain-general, or in his absence, of the major-general, or, in their absence, of the brigadier general, to issue his orders to the several captains or officers commanding the several companies of such regiment to meet at such time and place as the captain-general, or in his absence, the major-general, or in their absence, the brigadier-general as aforesaid, shall, in such orders direct; and that the several companies of any such regiment being convened, according to the directions aforesaid shall proceed, by vote, to the choice of some suitable person or persons to supply such vacancy or vacancies; which being done, the commanding officer of such regiment shall return the name or names of such person or persons to the Governor, in order to his or their being commissioned.

AN ACT to revive the Laws passed by the Legislature of this State.

Be it enacted, &c. that each and every act and law of this State, (except those repealed by special act of Assembly) be and remain in full force and virtue until the rising of the Assembly in October next.

AN ACT repealing a certain paragraph of an Act entitled "An Act making the laws of this State temporary.

Whereas, there is a certain paragraph in said act enacted, "that no court, or justice, shall take cognizance of any matter or thing, in which the title of land is concerned, or in any action of contract, where the parties appear to have made a bargain or contract, by note, bond, debts, or agreement in writing, or otherwise, any act or law to the contrary notwithstanding."

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* This law was re enacted in October, 1780, and continued in force until the close of February session, 1781.

Be enacted, &c. that the above recited paragraph be and remain in full force till the first day of June next, and no longer.

LAWS PASSED AT BENNINGTON,

OCTOBER SESSION, 1780.

AN ACT directing what money and bills of credit shall be a legal currency in this State.

Whereas, no particular money, or bills of credit, as yet have, by any law of this State, been made legal currency therein. And whereas, not only for determining what money and public bills of credit shall be legal currency, but also to decide, as near as may be, at what rate they severally shall pass:

Be it enacted, &c. that all genuine coined gold, silver, and copper, shall be legal money in this State, viz:—gold, at the rate of five pounds per ounce; silver, at six shillings and eight pence per ounce; and coined coppers, at two pence per ounce. And that the bills of credit emitted by the United States of America, before the eighteenth day of last March, be a legal tender as money, according to their current value; having regard as well to their current value at the time of making all contracts, as at the time of rendering judgments: to which all courts in this State, in their respective jurisdictions, are to conform themselves.

Provided, no regard be had to the value of said bills, at the time of making any contract which was or shall be for gold, silver, or money equal thereto; or for money to be made good as before the war; or for money to be paid in any particular thing or things, at a certain price; any thing in this act to the contrary notwithstanding.

AN ACT for regulating Fees.

Whereas the fees heretofore granted to officers of government, and others, have been stated in Continental currency, which is so far depreciated, that it does not answer the purpose intended: and it is also found that the fees, in some instances, as formerly stated, were not adequate to the service:—Therefore, *Be it enacted*, &c. that the establishment of the fees belonging to the several officers of this State, be as follows, viz:—

Assistants Fees.

	£	s.	d.
For attending the General Assembly and Council, when convened, per day,	0	7	0
Travel per mile, out,	0	0	4

Representatives Fees.

	£	s.	d.
For attending the General Assembly, per day,	0	6	0
Travel per mile, out,	0	0	4

Superior Courts Fees.

	£	s.	d.
Chief judge, while sitting, per day,	0	18	0
Assistant judge, while sitting, per day,	0	15	0
Travel per mile, out,	0	0	4
To the jury for each action tried,	1	4	0
And there shall be paid into the clerk of the superior court's hands, for the benefit of the treasury of this State, for each action tried in the superior court,	0	18	0
For each default or confession,	0	10	0

Clerk of Superior Court's Fees.

	£	s.	d.
Entering each action and judgment,	0	2	6
Filing each testimony,	0	0	2
Each execution,	0	1	3
Entering judgment acknowledged,	0	0	9
Copy of each testimony,	0	0	4

County Court's Fees.

	£	s.	d.
Chief judge, while sitting, per day,	0	10	0
Justice of the quorum, per day,	0	7	0
Travel per mile, out,	0	0	4
To the jury for each action,	0	18	0
And there shall be paid into the clerk of the county court's hands, for the benefit of the treasury of the county, for each action tried in county court,	0	10	0
For each default or confession,	0	4	0
For licence to each tavern-keeper, (whereof to the clerk, one shilling,)	0	4	0

Clerk of County Court's Fees.

	£	s.	d.
Entering each action,	0	0	3
Entering each judgment,	0	1	0

For attachments, summons, and executions, and other things proper to him, as in the assistant's and justice's fees.

Assistants and Justices Fees.

Attachments or summons for action, - -	0	1	0
When bond is given, - - - -	0	1	3
Summons for witnesses, - - - -	0	0	6
Entry and tryal of each action, - - -	0	3	0
If by a jury, - - - - - -	0	6	0
Every execution, - - - - - -	0	1	3
Every warrant for criminals, - - -	0	1	3
Bond for appeal, - - - - -	0	0	6
Copy of evidence, - - - - - -	0	0	6
Copy of judgment, - - - - -	0	0	8
Every recognizance, - - - -	0	0	9
Judgment on confession or default - -	0	1	0
Affidavits taken out of court, - - -	0	0	9
Taking the acknowledgment of a deed, mortgage, &c. - - - - - - -	0	0	7
Each complaint, - - - - - -	0	0	9

Court of Probate's Fees.

For granting administration, to the judge, -	0	1	6
For receiving, and probate of every will and inventory, of fifty pounds, or under, - -	0	2	0
To the clerk, - - - - - -	0	0	9
Receiving, and probate of every will and inventory, above fifty pounds, - - - -	0	3	0
To the clerk, - - - - - -	0	1	0
Each quietus, or acquittance, - - -	0	1	0
To the clerk, - - - - - -	0	0	6
Recording every will and inventory, of fifty pounds or under, - - - - - -	0	2	6
Also, three pence per hundred for every hundred pounds after the said fifty pounds; and half so much for a copy of the same.			
Each bond for administration, - - -	0	1	0
Each letter of administration, - - -	0	1	0
Each citation, - - - - - -	0	0	6
For making out a commission, receiving and examining the claims of creditors to insolvent estates, and registering the same, - - -	0	1	3
Registering the commissioners report, for each page of twenty-eight lines, and ten words to each line,	0	0	8
For entering an order upon the administrator, to pay out the estate in proportion to the several creditors, returned by the commissioners, -	0	0	8
Allowing of accounts, settling and dividing of intestate estates, - - - - - -	0	2	0
Appointing guardians, and taking bond, -	0	1	3

Secretary's Fees.

For recording laws and orders of public concernment in the State records, each,	0	1	0
Affixing the State seal, each time,	0	1	0
For each military commission,	0	1	0
Each commission for the justices of each county	0	3	0
Commission for judges of the superior court	0	2	0
For each commission for judges of county and probate courts,	0	1	0
Each petition or memorial to the General Assembly,	0	0	6

Fees to the General Assembly.

For each petition or memorial betwen party and party,	1	0	0

Town Clerk's Fees.

For recording a deed,	0	1	0
For the copy of a deed,	0	1	0
For a survey bill,	0	0	6
For recording a marriage, birth, or death,	0	0	3
For recording each mark,	0	0	6

Attorney's Fees.

In taxing bills of cost, the parties that recover, for attorney's fees, at county courts,	0	4	0
In the superior court,	0	6	0

Post Wages.

For man, horse, and expense, each mile out,	0	0	4

Sheriff's and Constable's Fees.

Serving every summons,	0	0	4
If by copy,	0	0	6
Serving every attachment,	0	0	6
Bail bond,	0	1	0
For levying each execution, to be one shilling for one pound or under, and three pence on the pound for every pound above.			
For attending at a justice's court, when obliged to attend, for each action tried,	0	1	3
Each mile travel out, to be computed from the court,	0	0	4
Sheriffs attending the General Assembly, superior or county courts, per day,	0	6	0
Constable for like service, per day,	0	4	6
Fees for plaintiff or defendant attending any court, per day,	0	2	0
Witness, for attending any court, per day,	0	3	0
Travel for plaintiff, defendant, or evidence in any court, per mile,	0	0	3

Fees for a jury employed in laying out highways, shall be, for every juror, per day, -	0	3	0
The sheriff attending on said jury, per day,	0	4	0
Jury for a justice's court, for each action tried,	0	9	0

Brander and Recorder of Horses Fees.

For branding and recording every horse kind,	0	0	6
For each copy of record, - - -	0	0	6

Goaler's Fees.

For commitment of a prisoner, - -	0	1	0
For discharge of a prisoner, - - -	0	1	0
For dieting of a prisoner, per week, - -	0	5	0

County Surveyor's Fees.

For himself and horse, per day, besides expenses,	0	6	0

Sheriff's and Constable's assistant's Fees.

For each man that attends the sheriff or constable, per day, - - - -	0	4	0

AN ACT regulating and stating the Fines and Premiums in the several laws of this State.

Whereas, the fines and premiums, or rewards, in the several laws of of this State, have been formerly stated in Continental currency, which has so far depreciated, that it does not answer the intent of the law.— And it is also found, that in some instances the fines and rewards, as formerly stated, were not adequate to the purpose intended.

Therefore,

Be it enacted, &c. that the several fines and rewards, in the laws of this State, be, and they are hereby, stated as follows, viz:—

	£	s.	d.
In the act regulating marriages, fine, - -	20	0	0
In the act directing listers in their office and duty, fine,	10	0	0
In the act directing proceedings against forcible entry and detainer, fine, - - - -	1	0	0
In the act for forming and regulating the militia, fine for the clerk's neglect, - - - -	3	0	0
Fine for a soldier refusing to muster, - -	6	0	0
When draughted, and refusing to march, fine, -	9	0	0
Non-commissioned officer neglecting to warn such person, fine, - - - - - -	0	6	0
Officers disobeying orders from the commander in chief, fine, - - - - - - - -	50	0	0
Non-commissioned officers neglecting to attend, fine,	0	9	0

In the act for the due observation and keeping the first day of the week as the Sabbath, &c. penalty for working,	1	0	0
Penalty for rude behavior,	2	0	0
For travelling on said day,	1	0	0
For walking abroad, &c.	0	6	0
For keeping the outside of the meeting-house, &c.	0	6	0
Eor convening in companies, &c.	0	6	0
In the act for regulating mills and millers, fine for taking more toll than the law directs,	1	0	0
In the act to encourage the destroying of wolves and panthers, fine for taking out of pit or trap,	4	0	0
In the act for the punishment of theft, penalty,	2	0	0
In the act for regulating the election of governor, deputy governor, council, &c. constable's fine,	4	0	0
For illegal voting, fine,	1	0	0
In the act directing town clerks in their office and duty, penalty for neglect,	0	4	0
In the act for laying out and altering highways, fine for neglect,	1	0	0
In the act for making and repairing public highways, fine for refusing or neglecting,	0	3	6
In the act for the appointment and regulating attornies, penalty on transgressors,	5	0	0
In the act for the punishment of drunkenness, fine,	0	8	0
In the act against profane swearing and cursing, fine,	0	6	0
In the act directing constables in their office and duty, constable's neglect, fine,	0	5	0
For refusing assistance, fine,	0	10	0
For contemptuously refusing, fine,	2	0	0
For constables and other persons refusing to prosecute hue-and-cries, fine,	2	0	0
An act for authenticating deeds and conveyances, fine for town clerk's neglect,	5	0	0
An act for the punishing trespasses in divers cases, &c. for cutting, selling, &c. fine,	0	10	0
For leaving down bars, &c. fine,	0	10	0
In the act for the settlement of testate and intestate estates, for executor's neglect, fine,	3	0	0
In the act concerning sudden and untimely deaths, juror neglecting, fine	0	6	0
In the act for the preservation of deer, fine for transgressing,	4	0	0
In the act for preventing and punishing riots and rioters, fine,	10	0	0
In the act for appointing of sheriffs, &c. officer's refusal, &c. fine,	10	0	0
Soldier's refusal, fine,	2	0	0
Wages for captain, per day,	0	6	0
for lieutenant,	0	4	6

Wages for sentinel,	0	3	0
For obstructing, &c. fine,	15	0	0
In the act regulating juries and jurors, fine for default,	1	10	0
In the act regulating proprietors' meetings, fine for neglect,	5	0	0
In the act regulating fisheries, fine,	4	0	0
In the act concerning delinquents, fine,	4	0	0
In the act to prevent unseasonable night-walking, &c. fine,	0	10	0
In the act against barratry and common barrators, fine,	20	0	0
In the act against gaming, fine for tavern-keepers,	2	0	0
For persons convicted of gaming, fine,	0	10	0
In the act for ascertaining town brands, &c. for branding at any other place than the town pound, fine,	1	10	0
For branders refusing to brand, fine,	0	6	0
For counterfeiting a brand, fine,	5	0	0
In the act for the marking cattle, swine, &c. fine,	0	2	0
In the act to prevent encroachments on highways, &c. fine,	3	0	0
In the act concerning grand-jurymen, fine for refusing to serve,	1	5	0
Fine for neglect,	1	10	0
Fine for not presenting,	0	12	0
For neglecting to choose grand-jurors, fine,	5	0	0
In the act for the punishment of lying, fine,	2	0	0
In the act for licencing and regulating houses of public entertainment, &c. first fine,	1	10	0
Fine for not getting sureties,	0	10	0
Fine for selling liquors without licence,	0	10	0
In the act against breaking the peace, fine for abusing any magistrate,	30	0	0
For private assault, fine,	10	0	0
In the act for the punishment of perjury, fine,	30	0	0
In the act for providing and maintaining pounds, &c. fine on select-men for neglect,	0	6	0
Fine for neglect to redeem out of pound,	0	1	6
For rescuing out of pound,	1	0	0
In the act to prevent the selling or transporting raw or untanned hides or skins out of this State, penalty,	0	15	0
In the act relating to witnesses, &c. fine, &c.	1	0	0
In the act for the punishment of defamation, fine,	10	0	0
In the act in addition to the militia act, fine,	2	0	0
In the act to prevent persons from exercising authority, unless lawfully authorised by this State, fine,	40	0	0
In the act to encourage the destroying of wolves and panthers, bounty for each wolf or panther,	3	0	0
For each whelp that sucks,	1	10	0
In the act against counterfeiting bills of public credit, coins, &c. the reward,	5	0	0

AN ACT to prevent the trial of the Titles of Lands.

Whereas, there is such a variety of interfering claims or titles to land, within this State, it is judged necessary to prevent trials of the titles of lands for the present. Therefore,

Be it enacted, &c. that no court or justice shall take cognizance of any matter in which the title of land is concerned.

Provided, that the foregoing paragraph shall not be construed to exclude a trial concerning Wilmington and Draper.

AN ACT directing in what money Judgments of Court shall be given within this State.

Whereas, it is highly necessary and convenient, that all judgments for money, should be in that currency which is most permanent, and least subject to change. Therefore,

Be it enacted, &c. that all judgments given by any court, or justice of the peace in this State, for any sum of money, on any account whatsoever, shall be for gold or silver; and at the same time the said court or justice shall make a rule at what rate the bills of credit, made a tender in this State, shall be received in satisfaction thereof, having special regard to the act which makes said bills a lawful tender; and all executions to issue accordingly, including therein the said rule.

Provided nevertheless, the said court or justice, when the said judgment remains unsatisfied until the said bills materially alter in value, may, on proper application, alter said rule, as justice shall require.

AN ACT directing what fence shall be deemed lawful.

Be it enacted, &c. that no fence or fences within this State, shall be deemed lawful, unless it be four feet and an half high, well built with logs, rails, stones, or boards, or other fence equivalent.

AN ACT for the better regulating processes in actions of Trover and Conversion.

Whereas, many times, it so happens, in cases of trover and conversion, that the property is transferred through a number of persons hands, before the other claimant makes suit in law after it. And whereas, the claimant generally takes the person who has the property in possession: and whereas, there has not yet been made any law for the defendant to cite the first supposed trespasser to answer the suit, which makes him obliged to sue his voucher, and so to the first trespasser; by which means great cost is needlessly made.

Which to prevent in future,

Be it enacted, &c. that when any person or persons shall be prosecuted in any action of trover, the defendant shall cite the person who first purchased the property in dispute, if he may be found in this State, by a notification from an assistant or justice of the peace; and such citation or notification being served by a proper officer, and returned to the court, such person, cited as above, shall be holden to trial, as though he had been first summoned to appear at said court, and answer to such action; any law, custom, or usage, to the contrary notwithstanding.

AN ACT in addition to an Act, entitled "An Act directing and regulating the serving and levying Executions."*

Whereas, the paper currency has, for many years past, been in a fluctuating situation, and still remains so unsettled, that it is difficult for the Legislature to fix the same on a sure basis. And whereas the gold and silver currency is so scarce that it may render it very difficult for the people to discharge their debts, without disposing of the necessaries of life, and thereby disable them from doing their proportion in the present war: therefore,

Be it enacted, &c. that, in future, the person of any debtor, or his personal estate, shall not be subject to be taken, or holden, by execution, to satisfy any debt; provided the debtor tender to the officer lands sufficient to answer the debt; which shall be appraised as the law in that case directs.

Provided always, that no creditor shall be obliged to take lands to satisfy such execution, unless such debt shall amount to more than five pounds.

AN ACT appointing and impowering Commissioners to sell and dispose of forfeited Estates, and the better regulating the same.

Be it enacted, &c. that there shall be appointed twelve persons, commissioners in this State, to wit, in the county of Cumberland, in the half shire of Cumberland, three; in the half shire of Gloucester, three; in the county of Bennington, in the half shire of Bennington, three; in the half shire of Rutland, three; whose duty it shall be, upon the State's attorney's certifying to them the condemnation of any estate by the respective county courts, to set up a public notification in some public place, describing the land, and article for sale, at least ten days: and shall then proceed to sell the same to the highest purchaser, giving absolute deeds of warranty, in behalf of the freemen of this State.

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* Repealed, April 7, 1781.

Provided always, that not less than two of said commissioners shall be assenting to the bargain.

And be it further enacted, that all commissioners heretofore appointed by the court of confiscation, be dismissed, and the contracts which they have made, and not executed, shall be referred by them, as soon as may be, to the commissioners abovesaid, who are hereby authorised to fully execute the same.

AN ACT for the purpose of procuring Provision for the Troops, to be employed in the service of this State, for the year ensuing.

Whereas, the state of the present currency, or medium of trade, is such that it is difficult to procure necessaries to supply the army, without calling on each town for a quota of such supplies. Therefore,

Be it enacted, &c. that there be seventy-two thousand, seven hundred and eighty-one pounds of good beef; thirty-six thousand, three hundred and eighty-nine pounds of good salted pork, without bone, except back bone and ribs; two hundred and eighteen thousand, three hundred and nine pounds of good merchantable wheat flour; three thousand and sixty-eight bushels of rye; six thousand, one hundred and twenty-five bushels of indian corn, collected at the cost and charge of the respective towns in this State, and at the rates or quotas hereafter affixed to such towns: and that there be a Commissary General appointed, who shall take the charge of the same. And it shall be the duty of the select-men of each respective town, to procure such quota by the time or times hereafter directed by this act: which select-men are hereby impowered to levy a tax on their respective towns, for the procuring such quota; and also such quantity of salt, and number of barrels, as shall be found necessary for that purpose, and all the attending charges, either in the articles before described, or in silver or paper currency.

Be it further enacted, that if the select-men of any town neglect their duty herein, it shall be in the power of the Governor and Council, to issue their warrant to the sheriff of the county, or his deputy, commanding him to levy of the goods or chattles of such select-men, and dispose thereof according to law, a sufficiency to procure such quota; except it does appear to them that the people of the town, or one third part thereof, were opposed to the select-men in procuring such provision: in which case it shall be in the power of the Captain General to issue his warrant to the said Commissary General, by himself or his deputy, to repair to such town, and there seize, transport, and dispose of, a quantity of any of the necessary articles, to the amount of such quota, belonging to such persons as have opposed the said select-men.

Provided always, that the said select-men shall be accountable to the Commissary General, for the part of those who have not opposed such select-men.

And whereas, there are several towns in this State, the inhabitants of which have not chosen, or do not choose, select-men according to law, and which towns the Commissary General may have no person to call on:—

Which difficulty to remove,

Be it enacted, that it shall be in the power of the Governor and Council, from time to time, to nominate and appoint a person or persons, in every such town, who shall have it in their power to transact the business in this act prescribed for select-men; and whose duty it shall be, to notify and acquaint the inhabitants of such town or towns, of the tenor of such act.

Provided, that such person be not liable to be levied on as the select-men. But it shall be in the power of the Captain General, in case of such towns failing to furnish their quota as aforesaid, to issue his warrant to the said Commissary General, directing him to repair to such town, by himself or his deputy, and there seize, transport, or dispose of, a quantity of any of the necessary articles, to the amount of such quota, belonging to any person, inhabitants of such town. And it shall be the duty of such Commissary General, to see that such provision be forwarded in such quantity, and at such time or times, as it shall be wanted for the use of the troops. And if it be found that there be a surplusage of provision for the army in service, it shall be in his power, with the advice of the board of war, to barter or exchange such part of such provision as will appear necessary, for rum, salt, powder, lead, or other necessaries for the army.

And be it further enacted, that whatever select-men, or other person appointed by the Governor and Council, shall embezzle, or be concerned in embezzling, or misapplying any provision, collected for such quota, he shall forfeit and pay, treble value thereof, one moiety to the public, for the purpose of procuring provisions as aforesaid, the other to the person who shall prosecute to effect: and shall suffer disfranchisement.

That if any select-man, or other person appointed by the Governor and Council, shall collect, store up, or deliver to the Commissary General, or his order, any provision, except such as is of a good quality, and well packed and saved; or of any other than the quality required in this act, and be thereof convicted, he shall pay treble the value of the article he should have procured, to be disposed of as aforesaid; unless it appears that it was not through his neglect, or for want of properly attending to his duty.

Provided always, it shall be the duty of the select-men to warn a town meeting, and consult the inhabitants on the method of procuring such provision.

That the time for the flour, pork, rye and indian corn, to be provided and stored in each town, be the first day of January next: that the time for the beef to be provided and delivered, be, for the towns of Manchester, Sandgate, and to the northward in the county of Bennington, the eighteenth day of December: that the time for the beef to be provided and delivered for the towns of Arlington, Sunderland, and all the towns to the southward thereof in said county, be, on or before the fifteenth day of January next; that the time for the beef to be provided and delivered for the county of Cumberland, be, on or before the fifteenth day of January next. And that all such beef be delivered on the foot, except such towns shall otherwise agree with the Commissary.

Provided always, that the constables of the respective towns shall be obliged to attend to the orders of the select-men, with regard to collecting such provision. And in towns where there are no constable appointed, it shall be in the power of said select-men, or such other person or persons as shall be appointed by the Governor and Council, to appoint a constable in every such town, who shall have equal powers in collecting said articles, with other constables chosen in the usual manner.

And be it further enacted, that if the Commissary or his deputy, be impeded or resisted in collecting the articles aforesaid, he shall call to his assistance such part of the militia as he shall judge necessary, at the cost of the person or persons so impeding. And it shall be the duty of the said Commissary, or his deputy, to seize so much of the delinquents property, as will pay said cost, and rate, being sold at vendue.

And be it further enacted, that to the end it may be known which town is guilty of embezzling, or misapplying, or being any ways concerned in collecting, storing up, or delivering to the Commissary, any provision, except such as is of good quality, and well packed as aforesaid; each town shall mark their barrels of provision, to be delivered as aforesaid, with the same mark as is established by law to brand their horses.

And be it further enacted, that this act be forthwith printed and copies thereof sent to the respective towns in this State.

And whereas the sum total of the lists of several towns, have not been brought in according to law; for which reason they have been assessed at the discretion, and according to the best judgment of this Assembly; by which means some of such towns may be aggrieved. Therefore,

Be it further enacted, that on the application of any such town to the General Assembly, at their session in October 1781, shewing that such town was assessed higher than of right it ought to be, it shall be the duty of such future Assembly to make proper allowance to such town, on account of their next rate or tax. And if it be found that any town is not rated high enough, that matter shall be also rectified by a future Assembly.

That the quotas for each town be as follows:—

TOWNS.	Pounds w't. of Flour.	Pounds of Beef.	Pounds of Salted Pork.	Bushels of Indian Corn.	Bushels of Rye.
Pownal,	10,543 1-2	3,514	1,757	294	147
Bennington,	16,025	5,341 1-2	2,670 1-4	413	206 1-2
Stamford,	750	250	125	24	12
Shaftsbury,	12,559	4,186 1-2	2,093 1-4	354	177

TOWNS.	Pounds w't. of Flour.	Pounds of Beef.	Pounds of Salted Pork.	Bushels of Indian Corn.	Bushels of Rye.
Arlington,	5,356	1,785	892 1-2	150	75
Sandgate,	514	180	90	18	9
Sunderland,	2,707 1-2	902 1-2	451 1-4	78	39
Manchester,	6,867	2,289	1,144 1-2	188	94
Ruport,	3,256	1,089	544 1-2	90	45
Dorset,	3,000	1,000	500	84	42
Pawlet,	3,220 1-2	1,073	536 1-2	90	45
Danby,	4,284	1,428	714	123	61 1-2
Harwich,	75	25	12 1-2	6	3
Wells,	1,800	600	300	54	27
Poultney,	2,795	932	466	78	39
Castleton,	2,031	677	338	57	28 1-2
Tinmouth,	4,272	1,424	712	120	60
Clarendon,	5,119	1,706 1-2	853 1-2	144	72
Rutland,	5,818	1,939 1-2	969	162	81
Shrewsbury,	300	100	50	9	4 1-2
Wallingford,	1,672	557	278 1-2	48	24
Pittsford,	900	300	150	24	12
District of Ira,	1,500	500	250	42	21
Hinsdale,	3,000	1,000	500	84	42
Guilford,	7,500	2,500	1,250	210	105
Halifax,	4,500	1,500	750	126	63
Whitingham,	1,500	500	250	42	21
Brattleboro',	6,750	2,250	1,125	186	93
Marlborough,	2,100	700	350	60	30
Dummerston,	5,250	1,750	876	147	73 1-2
Newfane,	3,000	1,000	500	84	42
Townshend,	3,750	1,250	625	105	52 1-2
Putney,	6,000	2,000	1,000	168	84
Westminster,	1,750	2,250	1,125	186	98
Athens,	900	300	150	28	15
Rockingham,	6,150	2,050	1,025	174	87
Thomlinson,	300	100	50	12	6
Chester,	3,000	1,000	500	84	42
Londonderry,	1,500	500	250	42	21
Springfield,	3,000	1,000	500	84	42
Andover,	300	100	50	12	6
Cavendish,	600	200	100	18	9
Weathersfield,	1,611	537	268	48	24
Wilmington,	2,338	779 1-2	389	66	33
Windsor,	11,813	3,937 1-2	1,969	324	162
Reading,	351	117	58 1-2	12	6
Hertford,	3,198	1,066	533	90	45

TOWNS.	Pounds w't. of Flour.	Pounds of Beef.	Pounds of Salted Pork.	Bushels of Indian Corn.	Bushels of Rye.
Woodstock,	3,543	1,181	590 1-2	99	49 1-2
Hartford,	3,750	1,250	625	105	52 1-2
Pomfret,	2,400	800	400	66	33
Bernard,	1,200	400	200	33	16 1-2
Norwich,	6,000	2,000	1,000	168	84
Sharon,	1,200	400	200	33	16 1-2
Royalton,	1,392	464	232	39	19 1-2
Bethel,	600	200	100	18	9
Thetford,	3,000	1,000	500	84	42
Strafford,	2,400	800	400	66	33
Fairlee,	900	300	150	33	16 1-2
Mooretown,	1,500	500	250	42	21
Newbury,	5,700	1,900	950	162	81
Corinth,	900	300	150	33	16 1-2
Rygate,	1,800	600	300	54	27
Barnet,	750	250	125	24	12
Peacham,	750	250	125	24	12

AN ACT to to enable assignees or indorsees of negotiable notes, to maintain action thereon, as on inland bills of exchange, or as though such note were taken in his, her, or their own name.

Whereas, not only for the benefit of trade, paper credit, and the ease and conveniency of process on negotiable notes, but also for continuing the former custom concerning such notes;

Be it enacted, &c. that all promissory notes, payable to order or bearer, may be assigned or indorsed, and action maintained thereon, as on inland bills of exchange; and that action may in the same manner be maintained on all such notes as have already been assigned or indorsed as aforesaid.*

AN ACT for ascertaining the Title of Lands, in cases therein named.

Whereas, divers persons, late inhabitants of this State, and others, who hold lands by deed or deeds of conveyance, within the same, have gone over to, and joined the enemies of this and the United States of America, by which means many such conveyances are likewise carried with such persons, or otherwise by them secreted, which has put it out of the power of the State or individuals, in such cases, to produce such evidence to the title of such lands, as the law in common cases requires.

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* Repealed March 8, 1784.

Therefore,

Be it enacted, &c. that whenever any action shall be brought before any court proper to try the same, for the surrendry of any lands or tenements that were in the possession of, or occupied at or near the time of any such person or persons leaving this or the United States, and thus going over to the enemy; that if, on such trial, the defendant shall make it appear by evidence, to the satisfaction of the court or jury, that the person or persons who have gone to the enemy as aforesaid, was, at the time of his leaving this or any of the United States, the just and rightful owner of any such lands and tenements, and produce a deed of conveyance from under the hand and seal of any person duly impowered by the authority of this State to convey the same; that in every such case, judgment shall be rendered for the defendant—and a copy of such judgment, together with such deed, recorded in the town clerk's office where such land lieth, shall be deemed good and sufficient evidence to the title of any such land or tenements.

And be it further enacted, that if any person or persons that have been heretofore, or that may in future be appointed to sell any such lands; or any person claiming lands by deed from any such person, shall bring his action for the recovery of any such lands as may be in the possession of any other person or persons, it shall be determined in the same manner.

AN ACT to direct persons with respect to division Fences.

Whereas, many difficulties have arisen by means of partition fences not being properly regulated. Therefore,

Be it enacted, &c. that whenever any person or persons having improvements adjoining each other, the expense of making and maintaining a lawful fence, shall be equally divided between them. And if they cannot agree to divide the same, it shall be divided by the select-men, or three indifferent freeholders of such town where such land lieth, each paying for their own part. And where it shall so happen that any person or persons shall make fence against another person's land, that when that other person shall improve against said fence, they shall pay the person that built said fence for the one half of said fence, to be appraised by the select-men, or by three indifferent freeholders of the town where such land lieth. And if either of the parties or persons whose improvements so adjoin each other, should refuse or neglect to make or maintain his, her, or their proper part of said fence, having three months notice, then the aggrieved party may enter complaint thereof to an assistant or justice of the peace, who is hereby directed to summon such delinquent or delinquents, to answer for his, her, or their neglect; and being found delinquent, shall grant execution thereon for cost and damage.

AN ACT in addition to the last paragraph of an Act, entitled, "An Act against High Treason."

Be it enacted, &c. that if any person or persons shall know of any of the enemies of this or the United States, to be any way lurking about in this State, either in the woods, or the house or houses of any of the disaffected people, or any other place; or shall harbor any of the aforesaid enemies, and conceal the same, or neglect immediately to acquaint the authority, and be thereof convicted before the county or superior court, shall be punished by fine, according to the nature of the offence; and shall be imprisoned at the judgment of said court, in any of the goals in this State, not exceeding ten years.

And be it further enacted, that, on the complaint of any county or town informing officer, made to an assistant or justice of the peace, that any person or persons have, for more than one year last past, appeared by their conduct to be inimical persons, and likely to do mischief if they are suffered to go at large; he shall issue his warrant, and call such person or persons before him, to answer such complaint; and also call to his assistance one or more assistants or justice of the peace: and if, on examination, it be judged by the said court, or a jury of six men, that the said person or persons are dangerous persons to go at large, they shall pay cost of prosecution, and be committed to any of the goals within this State, during the pleasure of the court, at their own expense.

Provided always, that such person or persons shall have liberty to apply to the superior court for relief, who shall grant such relief as they judge just.

AN ACT against inimical conduct.

Whereas, it has been represented, that many persons who are enemies to the liberties of this and the United States of America, are continually using their utmost exertions to discourage and dishearten the good friends to the liberties aforesaid, by making and spreading false news, and speaking diminutively of the proceedings of the friends aforesaid.

Therefore,

Be it enacted, &c. that if any person shall speak any word, or do any act or thing, with design against this country, that shall have a direct or indirect tendency to discourage the good people of this State from nervously exerting themselves in the cause of this country; or shall speak words disrespectful of said cause, or the measures taken to support it; or shall, by any words or actions, with design as aforesaid, encourage, or shew themselves disposed to encourage, the disaffected persons in this State; or shall spread, or endeavor to spread, false news with regard to the strength or success of the enemy, or with regard to any disadvantage they would insinuate the army or armies of this or the United States to be under; and be thereof convicted before one or more assistant or justice of the peace, who are hereby impowered to try the same; he or they shall be punished by fine, not exceeding ten pounds; whipping, not exceeding ten stripes, or imprisonment, not exceeding twelve months; or either, or all of them, according to the nature of the offence, at the discretion of the court before whom such trial shall be had.

AN ACT for the purpose of removing disaffected persons from the frontiers of this State.

Whereas, it is found that sundry persons, living in the frontier towns of this State, who do not feel themselves in any danger from the common enemy, and refuse their personal assistance in the defence of such frontier settlements; and we have reason to fear, hold a secret and traitorous correspondence with, and as occasion offers, harbor and conceal, the enemies of this and the United States:—

Which embarrassment to prevent,

Be it enacted, &c. that it shall be the duty of the select-men of any such frontier town, if they have good grounds of suspicion that any person or persons living in such town, do secretly correspond with the enemy; or any person or persons who do not feel themselves in danger from the common enemy, and refuse their personal assistance to defend said frontiers, or have, for a long time, neglected their duty therein,—to warn a meeting of the inhabitants of such town, reciting in such warning the names of the person or persons so suspected; and that the design of such meeting is to take into consideration whether they judge such person or persons to be dangerous to the safety of the frontiers. And whatsoever person or persons shall be, by such meeting, so warned, judged and voted to be necessary to be removed, either on account of their unfriendliness to the cause of America, or their unwillingness to support said cause, shall be, by warrant from an assistant or justice of the peace, directed to the sheriff of the county, his deputy, or either of the constables of such town, removed, with his family and effects, after twenty days, and within thirty days, at their own proper cost and charge, to the interior part of this State; which warrant such magistrate is hereby directed to issue, on application of the select-men of such town.

Provided always, that any person voted by any town to be necessary to be removed, shall have a right of appeal to the Governor, who, with the advice of four of his Council, if they find that the said vote was had through mistake, or without just grounds against such person, or for any other cause than toryism, shall have a right to order a suspension of such removal, for such time as they shall judge convenient; which order shall be given to the officer who is directed to remove such person; and shall be to him a sufficient warrant for such suspension, for the time specified by such order, and no longer.

Provided also, that the person to be removed procure such order within twenty days from the time of such votes being passed, and not after. And all such persons, so removed, when in the interior part of the State, shall not be subject to be warned out of town, except such as have not heretofore gained a residence in any town in this State; but shall be considered to belong to the town where he belonged before such removal: and if not of sufficient ability to maintain themselves, and have not relations who are by law obliged to maintain them, they shall be supported at the cost and charge of the town from whence they were removed. And it shall be the duty of the select-men of the town where they shall reside, to see that such persons are kept to a suitable employ, in order to support themselves.

And be it further enacted, that all towns in which there are any inhabitants, and no select-men, shall be under the jurisdiction of the select-men of the next adjoining town, or of the nearest town where there are select-men, as far as relates to this act.

Be it further enacted, that the towns hereafter mentioned in this act, shall be considered as frontiers, viz:—Arlington, Sandgate, Ruport, Pollett, Wells, Poultney, Castleton, Rutland, Pittsford, Clarenden, Tinmouth, Wallingford, Danby, Shrewsbury, Newfane, Townshend, Londonderry, Brumley, Andover, Cavendish, Pomfret, Woodstock, Bernard, Royalton, Bethel, Newbury, Barnet, Rygate, Maidston, Guildhall, Lunenburgh, Strafford, Manchester, Reading, Wethersfield, Athens, and Hertford.

ARTICLES, RULES, AND REGULATIONS, for preserving Order, good Government, and Discipline among the Militia, and other forces of this State, when called to actual Service, for the defence and security of the same, and when called upon with respect to going into service, &c.

Be it enacted, &c. that the following articles shall be observed for the purpose aforesaid.

SECTION I.

Article I. All officers, non-commissioned officers, and soldiers, when the safety, the good of the service, and conveniency permits, shall, with decency and reverence, attend divine service, at the place appointed for that purpose, on penalty of being, by the judgment of a court-martial, mulct of the whole of his or their wages for one day, respectively.

Art. II. Any officer, non-commissioned officer, or soldier, who shall use any unlawful oath or execration, shall incur the penalty expressed in the first article.

Art. III. Any officer, non-commissioned officer, or soldier, who shall behave himself with contempt or disrespect towards the general or generals, or commander in chief, or shall speak words tending to his or their dishonour, or shall begin, excite, cause or join in any mutiny or sedition in the regiment, troop, company, garrison, party, post, detachment or guard to which he belongs, or in any other corps or party of the militia, or forces of this State, or the United States, or shall not use his utmost endeavours to suppress any mutiny or sedition when he is present; or knowing of any mutiny or intended mutiny, shall delay to give information to the commanding officer; such officer, non-commissioned officer, or soldier shall suffer such punishment as shall be inflicted according to the nature of the offence, by the sentence of a court-martial.

Art. IV. Any officer or soldier, who shall strike his superior officer, or shall draw, or offer to draw, or lift up any weapon, or offer any violence against him, being in the execution of his office, or shall disobey his lawful commands, shall suffer such punishment as shall be inflicted, according to the nature of the offence, by the sentence of a court-martial.

Art. V. Any non-commissioned officer or soldier, who shall desert, or without leave of his commanding officer, absent himself from the troop, company, or party, to which he belongs, shall be liable to pay all reasonable cost, arising from the recovery of any such soldier so deserting, as well as such reasonable sum as may be offered by his commanding officer, as a reward or encouragement for apprehending and returning any such deserter; which cost shall be deducted out of such deserter's pay, if a sufficiency be due for his services; otherwise to be recovered by bill, plaint or information, before any court proper to try the same; and shall suffer such other punishment as shall be inflicted by the sentence of a court-martial.

Art. VI. Any officer or soldier, being convicted of advising or encouraging any other officer or soldier to desert, shall suffer such punishment as shall be ordered by the sentence of a court-martial.

Art. VII. All officers shall have right ro quell quarrels, frays and disorders, though in any other corps, and to order in arrest or confinemen the persons concerned; and whosoever shall offer any violence to such officer, (though of an inferior rank) shall be punished at the discretion of a court-martial.

Art. VIII. Whatsoever officer, either in actual service of the State, or of the militia at home, who shall be guilty of disobedience of orders, and be thereof convicted before a general court-martial, shall be cashiered; and if not in actual service, to pay cost of prosecution.

Art. IX. All challengers, duellers, and seconds, and all who shall aid or abet them, shall be dealt with according to the nature of his offence, agreeable to the laws of war, by judgment of a court-martial.

Art. X. Any officer or soldier, who shall use any reproachful or provoking speeches or gestures to another, or shall behave disorderly, or use any menacing words or contemptuous carriage, in the presence of a court-martial, shall be punished according to the nature of his offence.

Art. XI. Any non-commissioned officer or soldier, who shall in camp, garrison, quarters, or on a march, offer any violence to any inhabitant, or commit any outrage on him or his goods; or shall plunder any house, or other building, or any field, garden, or lot, of any effects; or shall kill, wound, or destroy, any cattle, sheep, hogs, fowls, or any other creature, belonging to any of the good people of this State; or shall by threatening, or otherwise, force or compel any of the inhabitants to loan, give, or sell any horse, carriage, victuals, liquors, entertainment, or any other thing, shall be punished, according to the nature of his offence, by the judgment of a court-martial; and reparation shall be made by the offender to the party injured, by paying him the wages due to the offender, or by delivering him over to the civil authority, to be dealt with according to the law of the land, as the case may require: and any officer who shall command on a march, or in camp, garrison, or quarters, who shall neglect to see justice done herein, shall, on proof thereof before a general court-martial, be cashiered, and otherwise suffer such penalties as such offenders ought to have done.

Art. XII. No non-commissioned officer or soldier, shall be found one mile from the camp without leave in writing from his superior officer No officer or soldier shall be out of his camp or quarters, without leave from his commanding officer. All non-commissioned officers and soldiers shall, at retreat-beating, retire to their quarters. All officers, non-commissioned officers, and soldiers shall, at the time prefixed by the commanding officer, immediately repair to the parade, alarm-post, or other place of rendezvous, and there shall remain until duly dismissed or relieved: any who shall offend herein, shall be punished according to the nature of his offence, by the judgment of a court-martial.

Art. XIII. If any officer or soldier shall think himself wronged by his superior officer, and shall, upon due application made by him, be refused redress, he may complain to the general, or commander of the camp, post, or garrison, who is hereby required to examine into the matter, and see that justice be done.

Art. XIV. Any commissioned officer found drunk on guard, or other duty under arms, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such punishment as shall be inflicted by the sentence of a court-martial.

Art. XV. Any sentinel found sleeping on his post, or who shall leave his post before relieved, shall suffer such punishment as a court-martial shall order.

Art. XVI. Any person who shall designedly make a false alarm, or any officer or soldier who shall, without urgent necessity, leave his platoon or division, shall be punished, according to the nature of his offence, by judgment of a court-martial.

Art. XVII. Any officer, non-commissioned officer, or soldier, who shall leave his post in time of an engagement, to go in search of plunder, shall suffer such punishment as a court-martial shall see cause to inflict.

Art. XVIII. Any officer or soldier, who shall, by his influence, cause or excite the officers or soldiers of any post, to compel the commanding officer of any post, or garrison, to give it up to the enemy, or to abandon it, shall suffer death, or such other punishment as a general court-martial shall inflict.

Art. XIX. Any officer or soldier, who shall make known the parole or countersign, to any one who is not entitled to receive it; or shall give a false parole or watch-word to any who are entitled to receive it, shall suffer death, or such other punishment as a general court-martial shall inflict.

Art. XX. Whatsoever officer or soldier, when in service, shall relieve the enemy with money, victuals, arms, or ammunition; or shall knowingly harbour or protect the enemy, or shall hold a correspondence, or give intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as a general court-martial shall inflict.

Art. XXI. Whatever officer or soldier, in time of an engagement, shall traitorously and evidently, be aiming to decoy or betray any corps, party or detachment into the hands and power of the enemy, shall suffer death.

Art. XXII. Whatsoever officer or soldier shall shamefully abandon any post committed to his charge, or endeavour by words to induce others to do the like, in time of engagement, shall suffer death, or such other punishment as a general court-martial shall inflict.

Art. XXIII. No non-commissioned officers or soldiers shall sell, waste, destroy, or embezzle any arms, ammunition, or other warlike stores, belonging to, and delivered to him for the service of, this State, on pain of being punished, according to the nature of his offence, and of paying the value of the thing so sold or wasted, to be stopped out of his pay, by the sentence of a court-martial, or recovered by action in civil law.

Art. XXIV. Whatsoever officer shall be convicted before a court-martial of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged the service.

Art. XXV. All spies from the enemy, found in any of our camps, garrisons, or forts, or in the neighborhood thereof, either lurking in woods, or among the inhabitants; with or without arms, and who shall be thereof convicted by general court-martial, shall suffer death.

Art. XXVI. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order, and military discipline, though not mentioned in these articles, are to be punished by courts-martial, according to the nature and degree of the offence.

SECTION II.

Article I. Whensoever a general court-martial shall be necessary in camp or garrison, and there is no general officer in command there, such court-martial shall be called by the captain general, or in his absence the next officer in command in the State: and no court-martial shall be held in the State, except in camp or garrison, without orders from the captain general: and in necessary cases, courts-martial may be held in any part of the State, when and where the captain general shall direct.

Art. II. Every general court-martial shall consist of thirteen members, the senior in rank to be the president, who shall not be under the rank of a field officer.

Art. III. All courts-martial, not general, shall be appointed, and the members named, by the colonel or commanding officer of the regiment or detachment, to which the offender, who is to be tried, belongs.

Art. IV. The sentence of any court-martial shall not be put in execution, until the same be approved, and the execution ordered, by him who appointed the said court: and no sentence for a capital offence shall be put in execution without being first laid before the captain general for the time being, and by him approved of.

Art. V. All members of a court-martial shall behave with decency and calmness; and shall begin with the youngest in rank to give their opinions.

Art. VI. All regimental courts-martial shall consist of five members, unless in cases where not more than three can be had—all shall be commissioned officers.

Art. VII. No field officer shall be tried but by a general court-martial; nor in those cases shall any member be below the degree of a captain.

Art. VIII. No regimental court-martial shall sentence any prisoner to receive a greater punishment than thirty-nine stripes for one offence.

Art. IX. All offenders who are confined, shall have their trial as soon as the nature of the case, and the situation of the service, will admit; and the crime shall be given in writing before the relieving of the guard.

Art. X. Every officer commanding the guard, when an offender is committed, shall within twenty-four hours, report the prisoner, and the crime he is charged with, to the commanding officer of the post, that speedy justice may be done.

Art. XI. All sutlers, and others, who keep with the troops in service, shall be subject to these rules and regulations.

Art. XII. Any officer who shall make a false return, for the purpose of obtaining more pay, provisions or stores, than his just due, shall, on conviction thereof, be cashiered, and rendered incapable of holding any military commission thereafter in this State; and shall also be holden to reimburse any money, or other articles drawn by virtue of such false return.

Art. XIII. All members sitting in courts-martial, shall be sworn by the president: and the president shall himself be sworn by the next officer in rank, in said court. The oath to be taken previous to their proceeding to the trial of any offender, in the form following, viz:

You —— swear, that you will well and truly try, and impartially determine the cause of the prisoner now to be tried, according to the rules and regulations for the preserving order, good government, and discipline, among the militia, and other forces of this State. So help you God.

Art. XIV. All persons called to give evidence in any case before a court-martial, who shall refuse to give evidence, shall be punished for such refusal, at the discretion of such court-martial. The oath to be administered in the form following, viz:

You swear, the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God.

Art. XV. When this State's troops and militia are called to do duty together, the officers in the State's service for any term of time, shall command the militia officers of equal rank; but a militia officer shall take the command of those officers of inferior rank.

AN ACT to libel confiscated Estates.

Whereas, many persons, heretofore possessed of real and personal property in this State, have joined the open enemies of this and the United States, and, by their treasonable conduct, have justly forfeited their estates to the good people of this State. To the intent, therefore, that the same may be legally condemned, and appropriated to the use of the people of this State, to enable them vigorously to prosecute the war against Great Britain, in conjunction with the United States;

Be it enacted, &c. that the county courts, within their respective counties, be, and they are hereby constituted courts to judge and determine of all forfeitures, that have or may accrue to this State, by reason of any treason, or misprison of treason, against the same, and that in all cases wherein persons have gone, or shall hereafter voluntarily go, from this, or any of the United States, and join the open enemy, or commit any overt act of treason against this, or the United States, and shall flee and escape from justice, so that they cannot be proceeded against in due form of law; that then, and in every such case, it shall be the duty of the sheriffs, select-men, grand-jurors, and all informing officers, to make due presentment of all real and personal estate of, or belonging to, any person or persons as aforesaid, to the clerk of said court, in the respective county where the estate may be found; which said clerk, by order of the judge of said court, shall libel each and every article of said estate, in Westminster Gazette, at least twenty-four days before the day of the court's sitting; notifying the time and place of the court's sitting, and requiring all who have any claim or title to said estate, real or personal to bring in and defend the same against the State. And all tryals of forfeiture shall be by jury; any law, usage, or custom to the contrary notwithstanding.

Provided nevertheless, that nothing, herein before contained, shall be construed to extend to any goods or estate heretofore condemned, and appropriated to the benefit of this State by the court of confiscation.

And be it enacted, that it shall be the duty of the State's attorney, in the respective counties, to prosecute all tryals for forfeiture to final judgment; and certify all such estates, real or personal, against which judgment shall be rendered to commissioners appointed by the General Assembly to sell the same.

And be it enacted, that the court shall have power to appoint auditors, to hear and examine the claims of the debtors and creditors to or from such estates, as have been, or shall be, adjudged forfeited to the use of this State, as aforesaid; and certify the balance due from such estates to any person or persons, to the court appointing said auditors; and shall certify all debts due to said estates, to the State's attorney, (taking his receipt for the same) who is hereby authorised to sue for the same.

AN ACT to revive the Laws passed by the Legislature of this State.

Be it enacted, &c. that each and every act and law of this State, (except those repealed by special act of Assembly) be and remain in full force and virtue, until the rising of the Assembly in October next.

LAWS PASSED AT WINDSOR,

FEBRUARY SESSION, 1781.

AN ACT directing County Elections.

Whereas it is highly necessary, that county officers be appointed according to Constitution, for the better exercising civil government in the respective counties within this State. Therefore,

Be it enacted, &c. that the constables, in the several towns within this State, shall warn all the freemen in their respective towns, to meet at the usual place of holding town-meetings, in their respective towns, on the last Tuesday of March next, at nine of the clock in the morning; said warning to be given, at least, six days before the day appointed for said meeting; and the constables shall also warn all the inhabitants in their respective towns, to attend said meeting, in order to qualify themselves for voting in said meeting; and being so met, the freemen shall proceed in the following manner, viz:

1stly. To choose a moderator to govern said meeting.

2dly. The freemen shall give in their ballot for him whom they would have for their chief judge, for the county court, in the county they respectively belong to, with his name fairly written; which votes shall be sealed up by the moderator of said meeting in the presence of the freemen; in the like manner the freemen shall proceed to give in their votes, for four assistant judges; which votes shall be sorted and counted by the moderator and town-clerk in the presence of the freemen, and a list thereof taken in the same manner as set forth in the act for the choice of councillors.

3dly. The freemen shall give in their votes for him whom they would choose for the sheriff of the county to which they belong; which votes shall be sealed up as above mentioned.

4thly. The freemen shall give in their votes for one judge of probates for each probate district in the county to which they belong; the votes to be sealed up as above.

5thly. That the freemen shall give in their votes for two justices of the peace in each town wherein is one hundred taxable inhabitants; and in like manner for one justice of the peace, in each other town in said county, wherein are twenty taxable inhabitants; which votes shall be sorted, counted and sealed up as above directed; then the moderator shall write on the outside of the paper wherein the votes are for the chief judge, the name of the town wherein the said votes are taken, and then add these words,—Votes for the chief judge; and in like manner for the assistant judges, sheriff, judges of probates, justices of the peace, with the name of the town and probate district for which such officer is intended.

6thly. The freemen shall make choice of some meet person to take charge of said votes, who shall be sworn to the faithful discharge of his duty: and the persons so chosen in the county of Bennington, shall meet on the first Tuesday of April next, at the house of Mr. Thomas Butterfield, inn-holder in Arlington;—in the county of Rutland, at the house of Mr. Solomon Bingham, inn-holder in Tinmouth;— in the county of Windham, at the house of Mr. Moses Johnson, inn-holder in Putney;—in the county of Windsor, at the meeting-house in Windsor;—in the county of Orange, at Mr. Stephen M'Camel's, in Moretown: and being so met, shall proceed, 1*st.* To choose a moderator to govern said meeting. 2*dly.* To choose a clerk, to record the doings of said meeting. Then proceed to sort and count the votes for the chief judge of the county court; and the person found to be highest in nomination, shall be declared chosen: and in like manner proceed to sort and count the votes for all the above mentioned officers, and make declaration as aforesaid. And whenever it shall so happen, that there is no choice, by reason of a tie, the members of said meeting shall determine the choice: and it shall be the duty of the clerk of said meeting, to make return, as soon as may be, of the names of the officers so chosen, to his Excellency the Governor, that they may be commissioned according to Constitution.

And whereas, in the towns of Redding, Cavendish, Andover, Ryegate, Bethel, Randolph, and Stanford, there is the highest probability of there being the number required for a justice of the peace, in a very short time:

Be it therefore enacted, that there be a justice of the peace chosen for the towns of Redding, Cavendish, Andover, Rye-gate, Bethel, Randolph, and Stanford, in the manner before directed.

AN ACT to settle and establish all Highways that are laid out within this State.

Whereas a great part of the highways within this State have been laid out by the select-men or committees appointed for that purpose, and bills by them have been laid before their respective towns and accepted by them and recorded in the town clerk's office, which bills did not describe the points of compass; and whereas contentions and animosities have and likely will arise in some towns within this State respecting the legality of such surveys: which to prevent,

Be it enacted, &c. that all highways that have been laid out within any of the towns in this State, either by the select-men, or by a committee appointed for that purpose, who have returned a bill setting forth where such highway began, and the general course of such highway by such and such monuments, and through such and such lands which are well known by the inhabitants in the town; and accepted by the town, and put upon record in the town clerk's office; which highway hath been cleared out and repaired by the town, and improved as a public highway for the space of six months,—shall be deemed a lawful highway; and whatever person or persons shall fence up, or put any nuisance in such highway without liberty first obtained from the select-men, shall forfeit and pay a fine of fifteen shillings, with all damages occasioned by such nuisance, to be recovered before an assistant or justice of the peace, by bill, plaint or information. *Always provided*, that the damage be paid to such person or persons through whose land such highways are laid, where no allowance for highways is made; or where such highways are laid through undivided lands, there shall be no damages allowed.

And be it further enacted, that no highway that shall be laid out for the future, shall be lawful, unless surveyed by the compass: and further, that all roads heretofore laid out that are not surveyed by the compass within two years from the passing this act, shall not be deemed lawful.

AN ACT in alteration of an Act, intitled, *An Act concerning Delinquents.*

Be it enacted, &c. that whenever any person shall be prosecuted on the complaint of any informing officer, for any crime committed against this State, and such complaint shall not be supported, the delinquent shall pay cost of prosecution, unless it shall appear to the court before whom the trial shall be had, that there was not sufficient cause for such prosecution, or that the same was had through mistake; and in such case the cost shall be paid as in said act is provided.

AN ACT for the preventing multiplicity of Law-Suits.

Whereas it would prevent a multitude of law-suits, to make one debt, or sum of money due on contract, answer and cancel the like sum due in like manner from the adverse party. Therefore,

Be it enacted, &c. that if any two or more shall be indebted, or shall owe each to the other, any sum or sums of money, by contract, and one of them commence an action against the other, it shall be lawful for such defendant to plead payment of all, or any part of the sum or debt demanded, giving notice in writing with the said plea, of what he will insist upon at the trial, for his discharge; and the plaintiff, in his reply, if he make any, may give notice in writing, of any other sum or sums of money, which the defendant owed him at the time when he commenced his action, which was not mentioned in the declaration: and at the trial, either party may give any legal contract, or other matter so given notice of, in evidence. And if it shall appear that the defendant hath fully paid or satisfied the sum or sums due to the plaintiff, the court or jury who try the issue, shall find for the defendant, and the plaintiff shall pay the cost. But if it appears part only is paid, the plaintiff shall have judgment for what appears unpaid, and the defendant shall pay the cost. But if it appears the plaintiff is overpaid, then the defendant shall have judgment for the overplus, and the plaintiff shall pay the cost; execution to issue accordingly; any law, usage, or custom to the contrary notwithstanding.

AN ACT for quieting disputes concerning landed Property.

Whereas, it is found that two or more charters have been made, in some instances, to different proprietors, of the same tract of land, by one and the same authority; and it is in dispute which of said charters ought to hold the fee of said lands.

For the better determining of such disputes,

Be it enacted, &c. that the Governor, Council, and House of Representatives, shall sit as a court, to hear and finally to determine all disputes between proprietors holding under different charters, made out by one and the same authority: and the manner of process in such case shall be, that the plaintiff or plaintiffs shall bring his or their writ of right, setting forth the whole matter, against the defendant or defendants, directed to the sheriff of the county, in which said land lies, or his deputy, to be served on the defendant or defendants, at least, sixty days before the sitting of said Assembly. And the manner of service shall be by reading the same in the hearing of one or more of the proprietors who are to be defendants in the case, or leave a true and attested copy at his or their usual place of abode, within the aforesaid time: which writ shall be returned to the clerk of said Assembly, on or before the first day of the sessions; and the said proprietor or proprietors on whom such writ shall be served as aforesaid, shall immediately call a meeting of the proprietors of the charter under which he or they hold; and he or they are hereby empowered to call a meeting, as aforesaid, that they may be in preparation to make their defence. And the plaintiff or plaintiffs shall pay for the entry and trial of said action twenty shillings, and cost shall follow the final determination of the suit.

LAWS PASSED AT WINDSOR,

APRIL SESSION, 1781.

AN ACT for the purpose of emitting a sum of Money, and directing the redemption of the same.

Whereas, it is found necessary, for the purpose of carrying on the war, and the payment of the public debts of this State, as well as for enlarg ing the quantity of circulating medium, to emit a sum adequate to the several necessary purposes, in bills on the credit of this State.

Therefore,

Be it enacted, &c. that there be forthwith printed, under the inspection of Matthew Lyon, Edward Harris, and Ezra Styles, Esquires, a committee for that purpose, bills to the amount of twenty-five thousand, one hundred and fifty-five pounds lawful money, for the payment of this State's debts, and other public purposes; which bills shall be an equal number of three pounds, forty shillings, twenty shillings, ten shillings, five shillings, two shillings and six-penny, one shilling and three-penny, and one shilling bills: which committee shall be sworn to the faithful discharge of their office, and are impowered to make a device and form for said bills.

And be it further enacted, that said bills, when so printed, shall be, by the aforesaid committee, delivered to the Honorable John Fasset, Ebenezer Walbridge, and Thomas Porter, Esquires, a committee for signing and numbering said bills: which last said committee shall be sworn to the faithful discharge of their duty, and shall receipt said bills to the aforesaid committee, and shall sign and number said bills, and deliver them to the treasurer, taking his receipt for the aforesaid sum in bills, of twenty-five thousand, one hundred and fifty-five pounds: which bills shall be a lawful tendry for payment on all contracts, executions, &c. as lawful money, according to the face of the bill. And said bills shall be paid up and redeemed by the treasurer of this State, by the first day of June, 1782, in silver, at the rate of six shillings for one Spanish milled dollar, or gold equivalent.

And for the redemption of a part of said bills, *it is hereby enacted*, that there be, and there is hereby granted a tax of one shilling and three-pence, lawful money, on the pound, on the list of the polls and rateable estates of the inhabitants of this State, to be taken in June next: which tax the first constable of each respective town is hereby impowered to collect, (on receiving a warrant from the treasurer therefor, and the rate-bill from the select-men of such town; which select-men are hereby directed to deliver to such constable, as soon as the list is by law to be complete,) by the first day of November next; and shall be accountable to the treasurer of this State for such tax: which constable shall be allowed the same fees for collecting such tax as is by law allowed for levying and serving executions, in case he have to levy on the goods and chattels of any person for payment of his tax, which he is impowered to do, in case any person neglect paying their tax within twenty days after a proper warning; and shall be allowed one pound out of each eighty pounds he collects and pays to the treasurer:—which tax shall be paid in silver or gold, or in the aforesaid bills.

And whereas the land is the great object of the present war, and receives the most solid protection of any estate; a very large part of which has hitherto paid no part of the great cost arisen in defending it, whilst the blood and treasure of the inhabitants of the State has been spent to protect it, who, many of them, owned but a very small part thereof:

Wherefore, for the redemption of the remaining part of said bills, and the lodging a sum of money in the treasury,

Be it enacted, that there be, and there is hereby granted and laid, a tax of ten shillings on each hundred acres of land within this State, which will now admit of settlement on account of the war, except public rights, and the college lands; which tax shall be paid into the treasury of this State, in silver, at the rate of six shillings per Spanish milled dollar, or gold equivalent, or in said bills.

And the publication of this part of this act in the Vermont Gazette, the New-Hampshire Gazette, one of the Boston news-papers, the Connecticut Courant, and the Massachusetts Spy, three weeks successively, as soon as may be, and the treasurer calling on the land-holders to pay their tax, agreeable to this act, in the said news-papers, once in the month of November next, and once in the month of December next, shall be sufficient notification to all persons concerned.

[Here follow sundry provisions, regulating the collection of the land tax, which we have thought proper to omit. The act closes with the following clause.]

Be it further enacted, that whosoever shall be guilty of altering or counterfeiting any of said bills, or shall be any ways concerned therein, by making instruments for that purpose, or be any ways aiding or assisting therein, and be thereof convicted, shall suffer death; any law, usage, or custom to the contrary notwithstanding.

AN ACT to impower the courts in this State to take cognizance of, and try, the Title of Land in dispute, between George Duncan and William Utley.

Whereas, George Duncan, of Londonderry in the county of Rockingham, and State of New-Hampshire, in February last, did prefer a petition to this House, setting forth that he had purchased of William Utley, late of Walpole, in the county of Cheshire, a certain tract of land lying in, or near the town of Bromley, known by the name of the *Utley Farm;* and that the said Utley did unjustly hold him out of the possession thereof; and praying this House to grant him relief in the premises. And whereas the committee appointed by this House, to examine into the circumstances of the said dispute, have reported as their opinion that this House pass an act authorising the courts of law to try the title of the said tract of land in dispute. Therefore,

Be it enacted, &c. that the said George Duncan be, and hereby is authorised to commence his suit for the trial of the title of the said tract of land, known by the name of the Utley Farm, as described in the said Duncan's petition, and the said report of the aforesaid committee thereon: and that the county and superior courts be and they hereby are impowered to take cognizance of, try and determine the dispute between the said George

Duncan and William Ultey concerning the title of the tract of land aforesaid—appeals to be allowed as in other causes—any law, usage or custom to the contrary notwithstanding.

AN ACT in addition to an Act, entitled "an Act for the division of Counties within this State."

Be it enacted, &c. that all the lands within this State, on the east side of Connecticut river,* lying and being opposite the county of Orange, be, and hereby are, for the the time being, annexed to the said county of Orange.

Be it further enacted, that all the lands lying and being within this State, on the east side of Connecticut river, opposite to the county of Windsor, and northward of the northerly lines of the towns of Claremont, Newport, Unity, and Wendal, be, and hereby are, for the time being, annexed to the county of Windsor.

And be it further enacted, that all the lands within this State, on the east side of Connecticut river, southward of the northwardly lines of the towns of Claremont, Newport, Unity, and Wendal, be, and hereby are, for the time being, erected into one entire and distinct county, by the name of Washington county.†

AN ACT to impower the Courts hereafter to be appointed in the Counties of Washington and Orange, to take up all actions and suits, both civil and criminal, pending in said counties, and pursue them to final judgment and execution.

Whereas, there have been divers actions and suits, both civil and criminal, commenced in the counties of Cheshire and Grafton, while under the jurisdiction of New-Hampshire; many of which are now pending and undetermined:—Therefore, to prevent injustice to the public, or expense to individuals, respecting the same,

Be it enacted, &c. that all suits, actions, and processes of whatever name or nature, now pending in any inferior court of common pleas, or court of general sessions of the peace, within either of the said counties, be transferred to, taken up, tried and determined by the county courts, hereafter respectively appointed in the counties of Washington and Orange; and that no fees be demanded by the said courts, for entering any actions, which have been already entered in either of the said counties of Cheshire and Grafton; and that all suits now pending in the superior court, in either of said counties, be, in like manner, taken up, and transferred to the superior courts of the State of Vermont, to be by them determined: and that the said suits and actions be tried and adjudged, and cost taxed, and appeals allowed, agreeable to the rules, laws and customs of the State of New-Hampshire: and that all attachments heretofore made, and all bail heretofore taken, be allowed and held good: and that all executions, writs and warrants, now in the hands of any or either of the sheriffs or officers, in the counties aforesaid, be levied, served, and returned by the said officers, to the superior or county courts respectively, as they issued from the superior or inferior courts in said counties: and that alias and pluries executions be issued and levied, until the said judgments be satisfied: and that the said courts, hereafter to be appointed in said counties, be, and they are hereby, impowered to hear and determine all suits and actions now pending in either of said counties, for the trial of the title to any tract or tracts of land whatever, in either of said counties: and that all appeals heretofore made from any judgment recovered in any inferior court, in either of said counties, to a superior court, and not yet entered, be entered and tried at the superior court of the State of Vermont, at their next session in said counties.

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* For an account of the union of part of New-Hampshire with Vermont, see page 126–37.

† The territory claimed by Vermont on the east side of Connecticut river, was, by an act passed at this session, divided into four probate districts, viz: the districts of Keen, Claremont, Dresden, and Haverhill.

And be it further enacted, that all actions and suits pending in the superior, or county courts, in said county of Cheshire, be transferred to the superior, and county courts respectively, that shall first be held in the county of Washington; and all actions and suits pending in the county of Grafton, be, in like manner, transferred to the superior and county courts, to be holden in the county of Orange.

AN ACT directing the County Courts in their Office and Duty.

Be it enacted, &c. that any three judges of the county courts in said State, when commissioned, shall have power to hold county courts in their respective counties, at the times and places by law appointed, and also on their own adjournments: which county courts shall have power to hear and determine all crimes and misdemeanors not capital, and which by law are cognizable before said court; and also to hear and determine all civil actions and suits between parties, where the demand or matter in dispute shall exceed the sum of six pounds; and also to hear and determine all causes, actions, and suits which shall be brought before them by appeal from the judgment of any justice of the peace, within their respective counties: and that any one or two judges of the said county courts, being at the time and place by law appointed, for holding the said courts, shall have power to open and adjourn the same.

That the judges of the county courts, in their respective counties, shall have power to appoint a clerk for their court; who shall, and is hereby impowered to, grant executions on judgments rendered in said courts, and to act and do all things proper to be done, by the clerk of a county court in the execution of his office, according to the rules, orders and directions of the said courts: which clerk shall be the county register. And that the chief judge of either of said courts, or, in his absence, any two of his assistants, be hereby impowered to call a special court, upon any extraordinary occasion, within his respective county: any law, usage or custom to the contrary notwithstanding.

And be it further enacted, that the judges of the said county courts in their respective counties, shall have power to appoint a county treasurer, and State's attorney for the county: and the said county treasurer, when thereto required by the county court, shall become bound to the treasurer of the State, with two sureties, such as the said court shall approve, in the penal sum of two thousand pounds lawful money; which surety shall be renewed when, and so often as, the said court shall require.

And be it further enacted, that no plaintiff or plaintiffs, in any action of assault and battery, or trespass on the case, shall be allowed for costs, more than the damage recovered, unless such damage shall exceed the sum of six pounds.

AN ACT for more effectually supplying the Troops.

Whereas, the quantities of provisions ordered to be raised by the General Assembly of this State, at their sessions in October last, is found to be insufficient to answer the purpose of supplying the troops necessary to be employed in the defence of said State, for the ensuing campaign; which makes it necessary that some other measures be pointed out to furnish an additional supply, from time to time, as may be found necessary. For which purpose,

Be it enacted, &c. that the Commissary General of purchases of this State be, from time to time, supplied with money from the treasury of said State, by an order from the board of war, to purchase all such quantities of the different species of provisions, as he shall receive orders from said board, for the necessary supply of the troops already raised, and to be hereafter raised, for the defence of said State, with the provisions already raised for the present campaign.

AN ACT ascertaining the current value of Continental Bills of credit, in Spanish milled dollars, in this State; and of contracts made for payment thereof, in the several periods of its depreciation.

Be it enacted, &c. that all contracts made on or before the first day of September, 1777, for lawful money or bills of credit, shall be deemed equal to the same nominal sum of gold or silver; and that all contracts made between the first day of September, 1777, and the first day of September, 1780, understood or expressed to be for the common currency of the United States, or continental currency, shall be rated at Spanish milled dollars, or other coins or currency equivalent, agreeable to the following table, which shews the value of one hundred Spanish milled dollars, in continental bills of credit, at the several times therein expressed.

September 1, 1777,	100	October 1, 1778,	325	October 1, 1779,	1450
October 1,	110	November 1,	360	November 1,	1600
November 1,	120	December 1,	400	December 1,	1800
December 1,	130	January 1, 1779,	450	January 1, 1780,	2000
January 1, 1778,	140	February 1,	500	February 1,	2400
February 1,	155	March 1,	550	March 1,	2800
March 1,	170	April 1,	600	April 1,	3200
April 1,	185	May 1,	800	May 1,	3600
May 1,	200	June 1,	1000	June 1,	4000
June 1,	220	July 1,	1100	July 1,	5000
July 1,	240	August 1,	1200	August 1,	6000
August 1,	260	September 1,	1300	September 1,	7200
September 1,	295				

And be it further enacted, that all contracts made on or before this date, may be discharged by paying the just value of the currency contracted for, as ascertained by this act, in silver or gold, or in bills of credit of the United States, at the current exchange, at the time of payment: and that the aforesaid scale be the rule in all courts of law, and in committee of pay-table for settling the rate of depreciation in all contracts as aforesaid.

LAWS PASSED AT BENNINGTON,

JUNE SESSION, 1781.

AN ACT for the purpose of forming the Western Territory, lately taken into Union* with this State, into Townships, and for annexing it to the Counties of Bennington and Rutland.

Whereas it is found necessary, for the purposes of representation, and for exercising civil government, that the inhabited part of the following described district, viz.—Beginning at the north-west corner of Williamstown, and extending west, ten degrees north, to the centre of the deepest channel of the waters of Hudson's River; then up said river, and extending through the centre of the deepest channel thereof, to the head thereof; thence north, by the needle of the compass, to the latitude forty five—(lately taken into union with this State) be divided into townships, with the usual incorporate privileges; and that the said district be annexed to said counties. Therefore,

Be it enacted, &c. that the districts of land, in said territory, commonly known by the names of Hosack, Cambridge, White-Creek, alias New-Perth, Black-Creek, Skeensborough, Kingsbury, Scotch-Patent, alias Argyle, and Fort-Edward, be, and they are hereby incorporated, each of them, into a distinct township, and to be severally known and distinguished by the aforesaid names respectively; and are hereby vested with all the privileges and immunities, which other towns within this State do of right exercise and enjoy.

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* For an account of the formation of this union, see page 138–41.

Be it further enacted, that the tract of land within the said territory, lying west of, and adjoining to, Pownal, and north of the south line of said territory, and west of a line extended from the east line of the tract of land known by the name of Scorticook district, and south of Hosack district, be and is hereby incorporated into a township, by the name of Little-Hosack; and that the tract of land, lying bounded west on the north river, south on the south line of said territory, north on the tract of land, commonly called Scorticook district, and east on Little-Hosack, together with the district of land, commonly known by the name of the district of Scorticook, be and is hereby incorporated into a township, by the name of Scorticook; and that such part of the tract of land, known by the name of the district of Saratoga, as is included in said territory, be and is hereby incorporated into a township, by the name of Saratoga-East; and that the tract of land, lying west of, and adjoining to, Pollet, and north of, and adjoining to, Black-Creek, and westerly on Kingsbury and Skeensborough, be and is hereby incorporated into a township, by the name of South-Granville; and that the tract of land, north of said South-Granville, as far north as the west-line of the township of Wells extends, be and is hereby incorporated into a township, by the name of North-Granville; and that the tract of land, northward of said North-Granville, extending north to the East-Bay, bounded eastward on Fairhaven, and westward on Skeensborough, be and is hereby incorporated into a township, by the name of Eastborough. And that each of said townships be and are hereby vested with the same privileges and immunities as other towns within this State do of right exercise and enjoy.

And be it enacted, that the townships of Little-Hosack, Hosack, Cambridge, Scorticook, and Saratoga-East, being that part of said territory which formerly belonged to Albany county, be and are hereby annexed to the county of Bennington; and that all the remaining part of the aforesaid townships, be and are hereby annexed to the county of Rutland.

AN ACT directing the holding Town Meetings in the Western Territory lately taken into Union with this State, and directing the Listers in said Territory in their Office and Duty.

Whereas, for the purpose of civil government, it is found necessary that the inhabitants of the towns lately formed in the western territory, lately taken into union with this State, be directed and impowered to hold town meetings, and choose the town officers necessary for the present year.

Therefore,

Be it enacted, &c. that the inhabitants of each of the respective towns, formed and incorporated by this Assembly, in said territory, be, and they are hereby authorised and impowered to hold town meetings in their respective towns, at such time in the month of July next, and at such places as usual, or most convenient in their respective towns, as the persons hereafter impowered to warn such meetings shall direct; and to appoint such officers at their said meetings, as other towns, in this State, by law, are directed and impowered to choose, in their annual March meetings: which officers, when sworn to the faithful discharge of their office, shall be, and they are hereby impowered to execute such office as they are appointed to, as other officers of the like kind, in the other parts of this State are.

And it is hereby recommended to the inhabitants of each of the said towns, at their said meeting, to choose one or two meet persons for justices of the peace in and for the county to which they belong, and make return to the Governor and Council, of such choice, in order that such persons be appointed and commissioned, in case they are approved of by them.

Be it further enacted, that the persons hereafter named, be, and they are hereby impowered to warn town meetings in the towns to which they respectively belong; that is to say,—Capt. William Sheppard, for Scorticook; Mr. Thomas Smith, for Saratoga; Mr. Stutson Benson, for Hosack; Col. Joseph Caldwell, for Cambridge; Mr. Benjamin Randal, for Little-Hosack; Capt. Solomon Brown, for White-Creek, alias New-Perth; Capt. Aaron Osgood, for Black-Creek; Capt. David Blakesley, for South-Granville; Capt. John Grover, for North-Granville; Mr. James Burroughs, for Skeensborough; Mr. Lemuel Hide, for East-Borough; Mr. Gilbert Harris, for Kingsbury; Capt. Batty, for Scotch-Patent, alias Argyle; Mr. Daniel Paine for Fort-Edward.

And whereas the time the law directs that the inhabitants of the respective towns in this State be warned to give in the list of their polls and rateable estate, is now elapsed, and there is a necessity of the said lists being regularly taken in the towns in the said territory:

Therefore,

Be it enacted, that the listers chosen in the respective towns in the territory aforesaid, be, and they are hereby authorised, for the present year, to warn all the inhabitants of their respective towns, some time in the month of July, to give in, to them, their respective lists, according to law, by the fifteenth day of August next, of all their rateable polls and estate they were possessed of on the twentieth day of June; which list shall be inspected by said listers, and returned to the General Assembly, agreeable to the law of this State.

And the said listers shall govern themselves in their said office, according to said law, in all respects, the times therein mentioned only excepted.

AN ACT to prevent the transportation of Provisions out of this State.

Whereas, it is found, that by the transportation of provisions out of this State, it will be difficult, if not impossible, to provide for the troops in the service of said State, the present season; and likewise the inhabitants will be put to great difficulty in procuring necessary provision for their support:

Which evil to prevent,

Be it enacted, &c. that from and after the eighth day of July next, no neat cattle, beef, pork, wheat, rye, Indian corn, wheat or rye flour, or meal of any kind, shall be transported out of this State, till the rising of the General Assembly in October next, unless permit be obtained, signed by an assistant or two justice of the peace within the county where any such articles are designed to be transported from; and that only, to procure salt for his or their families use.

And be it further enacted, that when any person or persons shall transport any or either of the aforesaid articles as aforesaid, and be convicted thereof, shall forfeit the value thereof, for the use of this State, to be recovered by bill, plaint, or information, before any assistant, justice of the peace, or other authority proper to try the same.

And be it further enacted, that upon information made to any assistant, justice of the peace, or other authority proper to try the same, within this State, that any person or persons shall have any of the aforesaid articles, where there is good ground of suspicion that he or they design privately to transport the same out of this State, that any such assistant or justice of the peace is directed to issue his warrant, directed to the sheriff, his deputy, or either of the constables of the town where any such articles may be, to forthwith seize the same for the use of this State; and return shall be made of said seizure to said court, and also the person from whom said articles were seized, notified to appear (as specified in said writ) before said court, by reading the same in the hearing of the person from whom said goods were taken, or by leaving an attested copy of said writ or process at his, her, or their usual place of abode, if within this State, four days before the tryal for said seizure. And in case the person from whom said goods should be so taken, is not an inhabitant, or sojourner within this State, then such attested copy to be left in manner as aforesaid, at the place where such seizable goods shall be found. And in case such suspected person do not satisfy the court before whom the tryal may be had, that he had no design to convey said article or articles out of this State, contrary to this act, judgment shall be rendered against such person for the costs; and such article or articles shall be taken for the use of this State.

Provided nevertheless, that such person or persons from whom said goods shall be so taken, shall be entitled to receive the common market price for his said articles so seized; and the commissary-general of purchases is hereby directed to pay the same.

And it is hereby further enacted, that it shall be the business and duty of the commissary-general, his deputies or agents, and justices of the peace, the select-men, or either of them, within any town in this State, to prosecute and sue for the forfeitures and penalties in this act afore-mentioned. And in case any commissary-general, or his agents, the select-men, or either of them, within any town in this State, shall bring forward any process for the recovery of the forfeitures mentioned in this act, and shall not support the same, in the opinion of the court before whom the cause shall be tried, the article or articles taken and seized, shall be immediately restored to the owner; and such defendant be allowed his reasonable costs, to be paid by the treasurer of this State.

And it is hereby further enacted, that the commissary-general, his deputies, justices of the peace, and the select-men, within any town in this State, shall receive a reasonable reward for their services, in carrying this act into execution, to be paid by the treasurer of this State, where the legal fees arising from any prosecution shall not be found sufficient to pay them.

And it is hereby further enacted, that the representatives of the several towns within this said State, be directed to post up a notification in writing, in the most public places within their respective towns, as soon as may be, that all neat cattle, beef, pork, wheat, rye, Indian corn, wheat or rye flour, or meal of any kind, shall not be exported from this State between the eighth day of July next, and the rising of the General Assembly in October next, without permit therefor.

And it is hereby further enacted, that this act be in full force in every part of this State, from the said eighth day of July next, as above mentioned, except in the county of Bennington; and that this act take place, and be in full force in the county of Bennington, from and after the rising of the present General Assembly, and to be in force until the rising of the next session of the General Assembly, in October next.

In General Assembly, June 26, 1781.

Whereas, some towns in this State, who have a right to choose two members to attend the General Assembly, have chosen two with a view of having only one of them attend at a time; which choice, by augmenting the number of the whole, augments the number of the quorum; and by such members not attending, difficulties may arise about a quorum, at the times of adjournment. Therefore,

Resolved, that it be, and is hereby recommended to such towns to elect no more members, in future, than they mean and intend to have constantly attend on said Assembly.

AN ACT to impower Heads of Classes in the Western District to tax the Members of said Class, &c.

Whereas sundry persons in the western district, have been appointed heads of classes, by the authority of the State of New-York; in consequence of which appointment, they have engaged, and are further to engage, sundry persons in the service of this and the United States; to some of whom they have given their obligations promissory, for their county; which heads of classes are, by a law of the State of New-York, vested with authority to levy a tax on the several members of each class, for the payment of such sum or sums of money as have been, or shall, from time to time, be found necessary by such heads of classes, to be paid or engaged to be paid, for such man or men, as shall, at any time, be called for from such class. Therefore,

Be it enacted, &c. that each and every such head of classes be, and they are hereby authorised with full power and authority, to call on the several members of their classes for their proportion of such sum or sums; and in case of neglect or refusal, to proceed against them as the law directs in case of debt; and such men so raised be directed forthwith to join a company in this State.

AN ACT to prevent turning Streams of Water out of their natural courses.

Whereas, many difficulties and inconveniences may arise, by the waters of any river or brook being turned out of their natural channel or course, as well as individuals may suffer by means of having the water stopped or turned off their lands:

Which evils to prevent,

Be it enacted, &c. that if any person shall dam up the waters of any stream, or turn the waters thereof to the damage of the public, or any individual, he shall be liable to pay any damage the public or such individual shall sustain thereby, and all costs of prosecution.

AN ACT to vacate a certain Judgment obtained by Hezekiah Olney, against Benjamin Gorton, and to grant a new Trial to the parties in the said suit.

Whereas, Benjamin Gorton, of Brattleborough, in the county of Windham, cordwainer, has represented to this Assembly, that he was lately served with a summons, to appear before Noah Sabin, Jun. Esq. one of the justices of the peace for Windham county, at Putney, on the ninth day of May last, to answer unto Hezekiah Olney of Putney in said county, upon a note of hand therein said to have been executed by the said Benjamin to the said Hezekiah.

And whereas, the said Benjamin hath proved to the satisfaction of this House, that it was rendered impracticable, by an act of Providence, for him, or any attorney for him, to appear before the said justice on the said ninth of May; by reason whereof he was prevented trying the said cause, and the said Hezekiah recovered a judgment against him for the sum of eight pounds debt, and thirteen shillings and eleven pence costs. And whereas the said Benjamin has made oath that he never executed any note or writing to the said Hezekiah, or had any dealings with him; and has humbly prayed the interposition of this House to annul the said judgment, and all process thereon, and to grant a new trial to the parties in the said suit.

Be it therefore enacted, &c. that the said judgment, and all process thereon, shall be, and hereby are, annulled, superceded and made void and of no effect: and that it shall be lawful for the said Noah Sabin, Jun. Esq. and he is hereby required, on the second Thursday of July next, at one o'clock in the afternoon, at the dwelling-house of Peter Willson in Putney, or at any other time and place to which the said justice shall adjourn the said cause, to hear, try, and determine the said dispute, depending between the said parties, in such manner and form as the same ought to have been determined by law, if no judgment had been rendered in the said cause; and to award to the party in whose favor he shall give judgment, not only the the taxable costs of obtaining the former judgment, and in the new trial, but all such necessary and reasonable expenses as shall have accrued in procuring such new trial, and all other incidental charges of either plaintiff or defendant. *Provided*, that the constable of Putney, or some indifferent person, shall read a copy of this act to the said justice, and the said Hezekiah, or leave copies thereof at their respective dwelling-houses, on or before the twenty-ninth day of June instant.

AN ACT to impower Colonel John Strong to execute a Deed to Zaccheus Malleroy, of a certain tract of land therein described.

Whereas, it has been made to appear by sufficient evidence, that Zaccheus Malleroy, of Wells, in the county of Rutland, and State of Vermont, did in the month of December, Anno Domini 1776, agree with Enoch Malleroy late of said Wells, now with the enemies of this and the United States, to purchase of him the said Enoch, a certain tract of land lying and being in said Wells, and bounded as follows, viz: beginning at Jabez Warren's northwest corner, thence running west, ten degrees north, forty-seven rods, thence south ten degrees west, one hundred and sixty rods, thence east ten degrees south, forty seven rods, thence north ten degrees east, one hundred and sixty rods to the first mentioned bounds: being the east part of the lot No. 15, in the second division, containing forty-five acres: for which tract the said Zaccheus did pay to the said Enoch a valuable consideration; and that the said Enoch did thereupon covenant and agree to give and execute to the said Zaccheus a good authentic deed of the premises: which said covenant and agreement, the ssid Enoch hath never performed to the said Zaccheus. And whereas, the estate of the said Enoch has since been by sentence of law, confiscated to the use of this State: and this Assembly willing, as much as in them lies, to do justice in the premises. Therefore,

Be it enacted, &c. that Colonel John Strong be appointed, and is hereby appointed, authorised and impowered, to give and execute to the aforesaid Zaccheus Malleroy, a good authentic deed of conveyance of the above described premises: which deed given and executed as aforesaid, and recorded according to law, shall, in law, be deemed a good evidence of title to the aforesaid premises, in as full and ample a manner as though the said Enoch Malleroy had given and executed a deed thereof according to the covenant and agreement aforesaid.

AN ACT for the purpose of making up the Depreciation of the Continental Money to Colonel Warner's Regiment, and Captain Lee's Company.

Whereas, the Continental money has depreciated to that degree, that there is the highest necessity, in order to do justice to individuals, to make up the depreciation of said money to Colonel Seth Warner's regiment, and Captain Lee's Company. Therefore,

Be it enacted, &c. that the committee of pay-table be, and they are hereby, directed to forthwith examine into the state of the said regiment, with regard to the said depreciation, as soon as the proper papers are laid before them, by the proper officers, and adjust the accounts of the depreciation of said regiment, allowing the colonel fifteen pounds per month, the lieutenant-colonel twelve pounds, the major ten pounds, captains eight pounds, lieutenants five pounds eight shillings, ensigns four pounds ten shillings, serjeants two pounds eight shillings, corporal, drum or fife two pounds four shillings, and privates two pounds per month.

That such of the officers and soldiers of said regiment, or said company, who have had a right of land granted them, on account of their service in said regiment, shall have the price thereof deducted out of the money due to them: and such as have not, shall have a right granted them on account of said service, and be subject to such deduction.

And the said committee of pay-table are hereby directed to draw on the treasurer for the sum of twenty pounds, for each of the field officers of said regiment, and the sum of twelve pounds for each captain, or other commissioned officers of said regiment and company, and the sum of six pounds for each non-commissioned officer or soldier of said regiment or company, to whom it shall be found to be due, agreeable to a former resolution of the legislature of this State, for making up the depreciation to the officers and soldiers of said regiment, who have not had the same made up to them, by any other State, or any thing in lieu thereof. And the balance found due to the officers and soldiers of said regiment and company, after all the payments heretofore made, and those directed to be paid by this act, are deducted, being certified to the treasurer by the committee of pay-table, shall be secured to the several persons to whom the monies shall be found to be due to, by loan office notes; to the officers, one half the balance within three years from the first day of March next, the other half within two years from the first day of March next; to the soldiers, the whole of the balance within two years from the first day of March next. Said notes to be on interest, at six per cent per annum.

AN ACT for detecting and discouraging Desertion.

That whereas, it often happens that deserters from the Continental army flee to this State for resort. Therefore,

Be it enacted, &c. that whenever it shall so happen, that any Continental officers shall proceed to this State, for to obtain any deserters from said army, it shall, and hereby is declared to be the duty of, and enjoined upon, every officer, both civil and military, within this State, to give all that aid and assistance to them, when requested, that shall be necessary for the purpose aforesaid; for which they shall be paid by such officer.

And be it further enacted, that if any person within this State, shall harbor, conceal, or endeavor to rescue, any deserter aforesaid, from any Continental officer aforesaid, or any deserter from this State's troops, he shall pay a fine not exceeding twenty pounds: one moiety thereof to be for the use of this State, the other half to him or them who shall prosecute the same to effect, before any court proper to try the same.

AN ACT to discharge the Township of Thomlinson, in the County of Windham, from raising their proportionate part of Provisions for the use of the Troops in this State.*

Whereas, an act of Assembly was passed in their sessions in October last, entitled "An Act for the purpose of procuring provisions for the troops to be employed in the service of this State;" and among the townships allotted for that purpose, the township of Thomlinson (though at those sessions not represented) was included. And whereas said township of Thomlinson being but thinly inhabited, and new beginners, not having as yet so far cultivated their lands as to be in a capacity to pay their quota of provisions, so enjoined them; neither have they raised any for the maintenance of their families, (one only excepted, who has raised but a bare sufficiency,) but are necessitated to have recourse to others for their assistance.

Be it therefore enacted, &c. that the township of Thomlinson aforesaid, be, and is hereby, discharged of and from the payment of their quota of provisions, so allotted and enjoined them, by virtue of the act of Assembly before recited: of which all persons concerned are to take notice, and govern themselves accordingly.

AN ACT to suspend prosecutions against Isaac Tichenor, Esq. late Commissary of Purchases, for public purposes, until the rising of the Assembly in October next.

Whereas, it is made to appear, by sufficient evidence, that there is due to Isaac Tichenor, Esq. late commissary of purchases, for the States of New-Hampshire and Vermont, and his agents, for public purchases, the sum of sixty-five thousand, one hundred and eighty-four pounds, nine shillings and five pence, Continental money, and one thousand, three hundred and twenty-four pounds, fourteen shillings and two pence, in specie value; and that he hath taken due pains to procure the said monies from the public, but hath hitherto been unable to obtain the same.

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* Several Acts similar to this, were passed. We give this as a specimen of the whole.

And whereas, the said Tichenor, and his agents under him, have given their private notes of hand to the several persons of whom they respectively have purchased, for the public; and that said Tichenor and his agents are in danger of being entirely ruined, if actions should be brought and supported on the notes before mentioned.

Which to prevent,

Be it enacted, &c. that all and every action already commenced against said Tichenor and his agents, for public purchases, by him or them made, shall be stayed until the rising of the next General Assembly in October next. And that no actions shall be supported, that may be commenced against said Tichenor, or his agents, for purchases made in behalf of the public, until the rising of the next sessions of the General Assembly, in October next.

Provided nevertheless, that if the said Tichenor shall receive the public monies due to him as afordsaid, before the rising of the General Assembly in October next; then it shall and may be lawful for every person, to bring his or their action against said Tichenor, on the notes aforesaid; any thing in this act to the contrary notwithstanding.

AN ACT for making the Laws of this State, now extant, temporary, and to be in force until the rising of the General Assembly of this State, at their session of October next.

Whereas, it is found necessary that the laws of this State, now extant, shall be in force until the rising of the General Assembly in October next. Therefore,

Be it enacted, &c. that the laws of this State, now extant, be, and are hereby, established to be in force as laws of this State, until the rising of the General Assembly of this State, in their session of October next.

LAWS PASSED AT CHARLESTON,

OCTOBER SESSION, 1781.

AN ACT authorising the sale of the real Estate of Aquila Cleveland, deceased.

Whereas, it has been sufficiently proved, to the satisfaction of this House, that it is necessary, and for the interest of the children of the said Aquila Cleveland, that the farm whereof the said Aquila died seized, lying in Guilford, in the county of Windham, should be sold.

Therefore,

Be it enacted, &c. that Jedediah Wellman and Mercy, his wife, (which said Mercy is administratrix of the estate of the said Aquila Cleveland) shall be, and hereby are, fully authorised and impowered to sell and dispose of the said farm; and the money arising from such sale, to employ for the benefit and advantage of the relict and children of the said Aquila; under the directions of the judge of probate for the district of Marlborough: saving the right of dower of the relict of the said Aquila.

AN ACT enabling the inhabitants of the several towns to tax the lands, within their respective towns, for certain cases therein mentioned.

Whereas, the value of the landed interest of non-resident proprietors is greatly advanced by settlements being formed in the towns where such lands lie, and especially by public buildings being erected therein.

Be it enacted, &c. that the inhabitants of the several towns in this State, be, and hereby are, authorised and impowered, at any legal meeting, warned and convened for that purpose, to levy on the lands such tax or taxes as they shall agree to, not exceeding, in the whole, two pence per acre, for the purpose of building houses for public worship, school-houses, and bridges. And when any tax or taxes are levied as aforesaid, the select-men, in the towns where such taxes are levied, are hereby authorised and impowered to grant their warrant to the collector, directing him to collect them; and the collector shall thereupon, proceed in collecting them, in the same manner in which collectors are authorised by law to proceed in collecting proprietary taxes. *Provided nevertheless*, that nothing in this act shall be construed to authorise the inhabitants of any town, to levy any tax on such lots or rights of land, as are appropriated to public or pious uses. *Provided also*, that nothing, in this act, shall be construed to deprive any persons of privileges secured to them by the Constitution.

AN ACT for the purpose of procuring provision for the troops, to be employed in the service of this State, for the year ensuing.

Whereas, the State of the present currency, or medium of trade, is such, that it is difficult to procure necesssaries to supply the army, without calling on each town for a quota of such supplies. Therefore,

Be it enacted, &c. that there shall be levied on the polls, and rateable estates of the inhabitants of the several towns within this State, on the grand levy for the year 1781, a tax of provision, in manner following, vix; twenty ounces of wheat flour, six ounces of rye flour, ten ounces of beef, and six ounces of pork, without bone, except rib and back-bone— on the pound, agreeable to the forementioned list: and that the select-men of the several towns be, and hereby are, directed to make a provision rate, according to the foregoing proportion, on the inhabitants of their towns respectively; which, with their warrant, they shall direct to the constables of said towns, impowering them to collect the same by the first day of February next. And the select-men of the several towns are hereby ordered to see that the said beef and pork be well salted, and that the whole of said provision be properly stored and secured in barrels, at some convenient place in each town: and that the whole of the expense of securing, salting and storing said provision be defrayed by the several towns, wherein the same is collected as aforesaid.

Be it further enacted, that if the select-men of any town neglect their duty herein, it shall be in the power of the Governor and Council, to issue their warrant to the sheriff of the county, or his deputy, commanding him to levy of the goods or chattels of such select-men, and dispose thereof, according to law, a sufficiency to procure such quota; except it does appear to them that the people of the town, or one third part thereof, was opposed to the select-men in procuring such provision, in which case it shall be in the power of the captain-general, to issue his warrant to the commissary-general, directing him, by himself, or his deputy, to repair to such town, and there seize, transport and dispose of, a quantity of any of the aforesaid articles, to the amount of such quota, belonging to such persons as have opposed the said select-men.

Provided always, that the said select-men shall be accountable to the commissary-general for the part of those who have not opposed such select-men.

And whereas, there are several towns in this State, the inhabitants of which have not chosen, or do not choose, select-men according to law; and in which towns the commissary-general has no person to call on: which difficulty to remove,

Be it enacted, that it shall be in the power of the Governor and Council, from time to time, to nominate and appoint a person or persons in every such town, who shall have it in their power to transact the business in this act prescribed for select-men; and whose duty it shall be to notify and acquaint the inhabitants of such town or towns of the tenor of such act. *Provided*, that such persons be not liable to be levied on as select-men; but it shall be in the power of the captain-general, in case of such towns failing to furnish their quota as aforesaid, to issue his warrant to the said commissary-general, directing him to repair to such town, by himself, or his deputy, and there seize, transport and dispose of a quantity of any of the aforesaid articles, to the amount of such quota, belonging to any persons, inhabitants of such town. And it shall be the duty of the commissary-general to see that such provisions be forwarded in such quantity, and at such time or times, as shall be wanted for the use of the troops: and if it be found that there is a surplussage of provision for the army in service, it shall be in his power, with advice of the Board of War, to barter or exchange such part of such provisions as will appear necessary, for rum, salt, powder, lead or other necessaries for the army.

And be it further enacted, that whatever select-men, or persons appointed by the Governor and Council, shall embezzle, or be concerned in embezzling, or misapplying any provisions collected for such quota, he shall forfeit and pay treble the value thereof; one moiety to the public, for the purpose of procuring provision as aforesaid, the other moiety to the person who shall prosecute to effect. That if any select-man, or other person appointed by the Governor and Council, shall collect, store up, or deliver to the commissary-general, or his order, any provision, except such as is of a good quality, and well packed and saved, or of any other than the quality required in this act, and be thereof convicted, he shall pay treble the value of the article he should have procured, to be disposed of as aforesaid; unless it appears that it was not through his neglect, or for want of properly attending to his duty.

And be it further enacted, that in such towns where there are no constables appointed, it shall be in the power of the select-men, or other person or persons appointed by the Governor and Council, to appoint a constable for every such town, who shall have equal powers in collecting said articles with other constables appointed in the usual manner.

And be it further enacted, that if the commissary, or his deputy, be impeded or resisted in collecting the articles aforesaid, he shall apply to the sheriff of the county, for such aid and assistance as shall be necessary for the due execution of his office, in collecting as aforesaid; and that such person or persons, so resisting, shall be liable to pay the cost and expense of such assistants.

And be it further enacted, that this act be forthwith printed, and copies thereof sent to the respective towns in this State, together with the damages of such towns as neglected returning in their lists to the General Assembly, according to law.

Proposals of amendment of the preceding act, made by the Governor and Council, and agreed to by the Assembly, viz:

That the same select-men and constable be impowered to continue until the provision herein ordered, be collected: any new choice notwithstanding.

That the casks in which any such provision is by this act intended to be packed, be branded by the same branding-iron, that such town is directed to brand their horses with; that in case of bad provision, it may be known in future, from which towns respectively, such provision was procured and delivered.

AN ACT to enable persons who have entered and made improvement on Lands, under colour of title, who shall be driven out of the possession by a legal trial at law, to recover the value of what the estate is made better by such improvements, from the rightful owner of the Land.

Whereas, many persons have purchased supposed titles to lands within this State, and have taken possession of such lands under such supposed titles, and made large improvements on the same; and who, having no legal title to such lands, must, if the strict rules of law be attended to, be turned off from their possessions, made at great labor and expense, and others who have wholly neglected the settlement of the country, will enjoy the benefits of their labor. Therefore,

Be it enacted, &c. that when any person or persons, in the actual possession and improvement of lands, to which he, she or they so in possession, have purchased a title, supposing at the time of purchase, such title to be good in fee, shall be prosecuted before any court by action of ejectment, or writ of right, to final judgment, and judgment shall be finally given against such possessor or possessors, or person or persons in possession as aforesaid; such possessor or possessors as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right in action, to recover of the person or persons in whom the legal right shall be found by such judgment, so much money as shall be judged equitable, on the whole view of the matter, in consideration of the possessor having settled thereon. And the manner of process shall be, that the recoveree or recoverees in such action as aforesaid, shall, within twenty-four hours after judgment, file a declaration, in an action of the case, against the recoveror or recoverors, for so much as the estate is made better as aforesaid, in the clerk's office of said court where such judgment was obtained; which shall be deemed sufficient notice to the adverse party to appear and defend in such action on the case, at the next stated or adjourned sessions of said court: and the court, on motion made, shall order the writ of seizin to be stayed until the last action aforesaid be determined: and the lands, recovered by said judgment, shall be holden to respond the judgment, if any there be, in favor of the possessor or possessors, as fully as though the same had been attached by mesne process. And if, on trial, it shall be found necessary that a view be had of the premises, by the jury, to ascertain how much the estate is made better as aforesaid, the court, on motion made by either party, may grant such view; and all reasonable charges arising by such view, shall be paid by him or them who moves for a view.

Provided always, that this act shall not extend to any thing future, or to any person or persons who shall take possession of lands, to which they have no legal title, from the time of passing this act: and that no person who hath ousted the rightful owner, or got possession of any improved estate by ouster, shall take any advantage or benefit by virtue of this act.

Be it further enacted, that if the plaintiff, in the action of the case aforesaid, shall recover judgment in said action, no execution shall be granted in such case, until the expiration of six months after said judgment is recovered: and the writ of seizin shall be further stayed, until the expiration of the said six months, unless the defendant, in said action of the case, shall satisfy such judgment, either to the plaintiff recovering such judgment, or by paying the full sum of damages and costs so recovered, into the hands of the clerk of said court, for the plaintiff's use; in which case the clerk shall give a receipt for the sum so paid, and indorse such judgment satisfied; and a writ of seizin shall immediately issue.

AN ACT for repealing the several Laws now in force, prohibiting the trial of the Title of Lands.

Whereas, it is necessary, for the well being of society, and the regular administration of civil government, that the course of justice should be uninterrupted, and open to all parties: Therefore, *Be it enacted*, &c. that all and every act, and part of acts, now in force, prohibiting the trial of the title of lands, before the superior and county courts, are hereby repealed and nullified.

AN ACT further to continue the Laws passed by the Legislature of this State.

Be it enacted, &c. that each and every law and statute of this State (except those statutes, and parts of statutes, that have been repealed by special act of Assembly) shall be and remain in full force and virtue, until the rising of the General Assembly in October next.

LAWS PASSED AT BENNINGTON,

FEBRUARY SESSION, 1782.

AN ACT pointing out the office and duty of the Secretary of State.

Be it enacted, &c. that all public acts, papers, and records, that belong to the State, excepting the particular records and papers of the Council, be deposited and remain in the hands of the Secretary of State: and that it be the duty of the Secretary to keep a regular office, to attest, and register, all the proceedings of the General Assembly of this State, charters of incorporations, and all and every grant of lands made within this State; and to receive on file, and grant copies of all records when thereto requested, taking therefor reasonable fees: and to do and perform every other act proper for a Secretary of State.

Be it further enacted, that the Secretary of State give his constant attendance, by himself or deputy, at every session of the General Assembly; and on default thereof, to forfeit the sum of one hundred pounds, lawful money, to the Treasurer of this State, to be recovered by the Treasurer by order of the General Assembly, by bill, plaint, or information, before any court proper to try the same.

AN ACT granting a new trial in the case of John Alger against Enoch and Eliphalet Bean, and annulling the judgment rendered in the said cause.

Be it enacted, &c. that the judgment rendered by Jonathan Child and Bildad Andross, Esquires, of the county of Orange, in the month of August last, in an action of forcible entry and detainer, prosecuted by

John Alger against Enoch and Eliphalet Bean, be, and is hereby, annulled and made void: and that the sheriff of the said county is hereby directed, as soon as may be, to put the said Enoch and Eliphalet into possession of the premises of which they were ousted by the said judgment: and that if the said John Alger shall bring forward a new trial of the said cause, before the said justices, (which he is impowered to do, if he shall think proper,) and judgment shall be rendered for the defendants, or if the said John shall not further prosecute his said complaint, within twenty days after a copy of this act shall be read to him, the said justices shall award to the defendants, not only their taxable costs in the former suit, and new trial, but all necessary and reasonable costs which have accrued in annulling the judgment abovesaid.

AN ACT directing the Heirship of the estate of Colonel William Symes, late of Hertford, deceased, intestate.

Be it enacted, &c. that the estate of Colonel William Symes, late of Hertford, deceased, descend to Martha Symes, late wife of the said William, deceased; and that she be hereby entitled to enter on, possess, enjoy and dispose of the same, in as full and ample manner, as she would have done, had she been right heir at common law.

AN ACT to stay the execution on a Judgment given by the Superior Court, against Witherby Wittum, Malachi Wittum, and Witherby Wittum, Jun., in favor of David Caswell and Thomas White.

Whereas, it appears probable to this Assembly, that a tract of land, lying in Pownal, which had been in the possession and improvement of said Wittums for several years past, was, by the mistake of the court of confiscation, sold as the property of some person who had fled to the enemy. And whereas it appears that the said Wittums, after being turned out of possession by the said court of confiscation, have brought an action for forcible entry and detainer, against the said Caswell and White, before two justices of the peace, to recover their former possession; and have recovered judgment against the said Caswell and White, for that purpose, and by virtue thereof, been put again into possession; which judgment of the justices, was afterwards reversed in the superior court, for error in the proceedings, a writ of possession awarded to put said Caswell and White into possession of the premises, and an execution issued for the recovery of a large bill of costs:

Be it therefore enacted, that the executing the said writ of possession and execution, awarded by the superior court as aforesaid, shall be suspended and stayed until after the rising of this Assembly, at their next sitting; and that Major Gideon Olin, General Samuel Safford, and Thomas Jewett, Esq. be, and are hereby, appointed a committee to enquire into, and report to this House, at their next session, the true state of the matters in dispute between the said parties, in order that justice may be done in the premises: and that it shall be the duty of the said committee to give twelve days notice to the parties, of the time and place they will sit for that purpose; and then to hear all the evidence which shall be offered them by either party.

AN ACT to compel the more punctual attendance of the Members of the General Assembly.

Be it enacted, &c. that whenever any member of the General Assembly (whose credentials shall be produced to, and approved by, them) shall neglect to attend at the time and place fixed for the opening of any stated, adjourned, or special session of the Legislature, and shall not, before the end of such session, give a sufficient excuse, to the satisfaction of the House, he shall, for every day, after the first day of the session, from which he shall be so absent, without a satisfactory excuse, forfeit the sum of one pound and ten shillings; to be sued for, and recovered, in any court proper to try the same, by the Secretary of State for the time being, in his own name, by virtue of an order of the General Assembly, to be made at the close of every session thereof:—in which suit the roll kept by the clerk of the Assembly, shall be conclusive evidence of such person's being a member, and of his absence from the House: and that the said Secretary shall be accountable for, and shall pay into the treasury of this State, the monies so by him recovered.

And be it further enacted, that as often as the said Secretary shall neglect to commence such prosecutions as aforesaid, for the space of six weeks after such order made by the Assembly for that purpose, he shall, for every such neglect, forfeit to the treasury of this State, the sum of fifty pounds, to be sued for and recovered, by the Treasurer of the State for the time being, by virtue of an order from the General Assembly.*

AN ACT for taking off the tendry of the paper currency of this State, the first day of June next.

Be it enacted, &c. that from and after the first day of June next, the bills of credit of this State shall not be a legal tendry in any payment or contract, except in the treasury of this State: any law, usage, or custom, to the contrary notwithstanding.

AN ACT for the purpose of raising three hundred able-bodied, effective men, for the ensuing campaign.

Be it enacted, &c. that there be three hundred effective, able-bodied men (including officers) raised in the several towns within this State, (excepting the towns on Connecticut river, north of Barnet,) to be commanded by one major, five captains, ten lieutenants, twenty serjeants, and twenty corporals, and to be allowed ten drummers and fifers,—in the following manner, viz: that the Board of War be, and they are hereby, directed to divide to each town respectively, their quota of said men, according to the common list of said towns, made for the year 1781. And the Board of War are hereby further directed and required, forthwith, to transmit to the select-men of the respective towns aforesaid, their several quotas so divided; who are hereby impowered and required immediately to call together the inhabitants of such towns, whose duty it shall be, when met, to raise, by inlistment, or otherwise, their said quota of men, according to their lists aforesaid; and to have them ready for service by the fifteenth day of April next, and to continue in service until the fifteenth day of December next, unless sooner discharged.

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* This Act was repealed February 26, 1783.

And be it further enacted, that if the select-men of such towns, on the receipt of such orders from the Board of War, shall refuse or neglect to call together their respective town or towns, for the purpose aforesaid, such select-men shall forfeit and pay to the treasury of this State, the sum of five thousand pounds lawful money, to be levied on the goods or chattels of such select-men, by warrant of distress from his Excellency the Governor of this State, directed to the sheriff of the county to which such select-men belong: (who shall be directed by said warrant, to sell so much of said estate as shall be necessary to pay said sum, and defray the charges arising therefrom:) and in case any town or towns, being so warned by said select-men, shall neglect or refuse to raise their quota as aforesaid; such select-men are hereby impowered and directed to hire such quotas, or any part thereof, as shall be wanting in said town; and to issue their warrant to the sheriff of the county whereto such town belongs, his deputy, or to the constable of such town, to be levied on so much of the goods and chattels, or estate, of said inhabitants (and to be sold at public vendue by said officer,) as shall be necessary to pay such hired men, and satisfy all necessary charges arising therefrom. *Always provided*, that no person shall be liable to pay said cost, who voted to raise said men. And if such select-men shall refuse or neglect to issue their warrants against said inhabitants of said towns, or particular classes, as refuse or neglect, in manner aforesaid, or otherwise, such select-men shall forfeit and pay to the treasury of this State, the sum of five hundred pounds lawful money, to be levied on the goods, chattels or estate of the said select-men, by the Governor's warrant as aforesaid. And if any town shall adopt the mode of classing their inhabitants, and any such class, or any part of such class, shall neglect or refuse to raise their quota, or any part thereof, they shall be proceeded against by the select-men as aforesaid: and furthermore, such towns or classes, so neglecting, shall forfeit and pay a fine of one hundred pounds, lawful money, for each man so wanting, to the treasurer of this State, to be recovered by an order from the Legislature of this State.

And be it further enacted, that Captain Joseph Safford be appointed muster-master for the men to be raised in Colonel Walbridge's regiment; that Gideon Ormsbee, Esq. be appointed muster-master for the men to be raised in Colonel Allen's regiment; that Benjamin Whipple, Esq. be appointed muster-master for the men to be raised in Colonel Lee's regiment; that Samuel Minott, Esq. be appointed muster-master for the men to be raised in Colonel Bradley's regiment; that Samuel Warrener, Esq. be appointed muster-master for the men to be raised in Colonel Sargeant's regiment; that John Benjamin, Esq. be appointed muster-master for the men to be raised in Colonel Wait's regiment; that Abner Seely, Esq. be appointed muster-master for the men to be raised in the regiment now commanded by Major Hazen; and that John Barron, Esq. be appointed muster-master for the men to be raised in Colonel Johnson's regiment. And in case it shall so happen, that any soldier raised by any town or class within this State, shall not pass muster, it shall be the duty of such muster-master immediately to give notice to the select-men of such town, requiring said town to procure another man or men to supply such deficiency; and in case of refusal of any town or class to supply such deficiency, the select-men of such town shall proceed to hire, and issue their warrants as before mentioned.

And be it further enacted, that the several towns who are called upon, by virtue of the aforegoing act, to raise their quotas of men, are hereby directed and required to pay the non-commissioned officers and soldiers, they respectively raise, their wages for the term of service, according to the amount of their common lists: which wages are to be,—for each serjeant, per month, two pounds eight shillings; each corporal, drum, and fife, two pounds four shillings, and each private two pounds: and that the field and staff officers, and commissioned officers, be paid out of the treasury of the State.

And be it further enacted, that the several towns in Col. Walbridge's regiment, be directed to parade their respective quotas of men, at the house of Captain Elijah Dewey, in Bennington, on the third Tuesday of April next, where the muster-master is required to attend and muster them; giving his certificate to the select-men of the respective towns, for the number of men so mustered and received: and that the muster-masters of the respective regiments be directed to attend on said day, in the following places, viz: the muster-master for Colonel Allen's regiment, at John Manly's, in Dorset; for Colonel Lee's regiment, at Captain John Smith's, in Rutland; for Colonel Bradley's regiment, at Elkanah Day's, in Westminster; for Colonel Sargeant's regiment, at Josiah Arms's, in Brattleborough; for Col. Wait's regiment, at Mr. Parmele's, in Windsor; for Major Hazen's regiment, at Major Burton's, in Norwich; and for Colonel Johnston's regiment, at Colonel Johnston's, in Newbury; and give certificates as aforesaid. And if any deficiency shall then happen in any town, such town shall be at the expense of going to the muster-master, where he shall appoint.

AN ACT impowering Colonel Samuel Robinson to give a deed of the lands hereafter described, to the heirs of William Emms, deceased, and vacating a certain deed of the premises, obtained in a fraudulent manner, by John Blakledge Emms, from said Samuel Robinson.

Be it enacted, &c. that Colonel Samuel Robinson be, and is hereby, impowered to execute a deed, under his hand and seal, unto the heirs of William Emms, and their heirs and assigns forever, of all that one hundred acres of land, situate, lying and being in Manchester; (except one acre, sold by the deceased in his life time) being the first hundred acres of a certain tract of land, granted to John Wentworth, Esq., lying south, partly on Arthur Bostwick, and partly on Nathaniel Collins; east, on a lot belonging to Jeremiah French or his heirs; north, on Robert Loggan, and west, on Stephen Smith: which said one hundred acre lot is known by the name of lot number forty-six.

And be it further enacted, that the deed lately obtained from Colonel Samuel Robinson, in a fraudulent and clandestine manner, by John Blakledge Emms, of the above described hundred acres of land, shall be, and hereby is declared to be, void, null, and of no effect.

LAWS PASSED AT WINDSOR,

JUNE SESSION, 1782.

AN ACT establishing the Constitution of Vermont, and securing the Privileges of the People.

To prevent disputes respecting the legal force of the constitution of this State,* and to determine who are entitled to the general privileges of the constitution and laws;

Be it enacted, &c. that the constitution of this State, as established by convention, held at Windsor, July and December, one thousand seven hundred and seventy-seven, subject to such alterations and additions as shall be made, agreeable to the forty-fourth section in the plan of government, shall be forever considered, held and maintained, as part of the laws of this State.

And be it further enacted, that all the people of the American States, within this State, whether they be inhabitants or not, shall enjoy the same justice and law as is general for this State, in all causes proper for the cognizance of the civil authority and courts of judicature in the same; and that without partiality or delay: and that no man's person shall be restrained or imprisoned, unless by authority of law.

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* See note, page 288.

AN ACT adopting the Common and Statute Law of England.

Whereas, it is impossible, at once, to provide particular statutes adapted to all cases wherein law may be necessary for the happy government of this people.

And whereas, the inhabitants of this State have been habituated to conform their manners to the English laws, and hold their real estates by English tenures.

Be it enacted, &c. that so much of the common law of England, as is not repugnant to the constitution or to any act of the legislature of this State, be, and is hereby adopted, and shall be, and continue to be, law within this State.

And whereas, the statute law of England is so connected and interwoven with the common law, that our jurisprudence would be incompleat without it; therefore,

Be it further enacted, that such statute laws and parts of laws of the kingdom of England, as were passed before the first day of October, Anno Domini one thousand seven hundred and sixty, for the alteration and explanation of the common law, and which are not repugnant to the constitution, or some act of the legislature, and are applicable to the circumstances of the State, are hereby adopted and made, and shall be and continue to be, law within this State: and all courts are to take notice thereof, and govern themselves accordingly.

AN ACT defining and limiting the Powers of the several Courts within this State.

Whereas, it is essential to the wise and happy administration of government, and regular execution of law, that the different powers of the several courts of justice within this State, be exactly limited and defined: therefore,

Be it enacted, &c. that every justice of the peace, within his respective jurisdiction, be, and is hereby, fully authorised and impowered to hear, try and determine, all pleas and actions of a criminal nature, where the fines and forfeitures are within the sum of forty shillings, and the corporal punishment does not exceed ten stripes.

Provided always, that any person prosecuted for a criminal offence, or breach of any penal law (except for breach of sabbath, profane swearing, drunkenness, and simple breaches of peace, where the judgment shall be given on general issue) and aggrieved at the judgment given by any justice of the peace, may appeal from the same, to the next county court to be held for said county, where the judgment was rendered, there to be finally determined: the appellant, within two hours after sentence given, recognizing with sufficient sureties, in a reasonable sum, to the treasurer of the town where the offence is charged to have been committed (if the prosecution be commenced by an informing officer: if otherwise, to the prosecutor) for his personal appearance at the court appealed to, prosecuting his appeal there to effect, abiding the order or sentence of the said court thereon, and to be of good behaviour in the mean time. And the party appealing, shall remain in the custody of an officer until he shall have given such security: which officer shall not be allowed more than one shilling an hour for the said service. And no execution shall be granted on any such judgment, from which an appeal is allowed.

And be it further enacted, that every justice of the peace within his proper sphere of jurisdiction, as aforesaid, be, and is hereby fully authorised and impowered to hear, try and determine all pleas and actions of a civil nature, in which title of land is not concerned, where the debt or other matter in demand does not exceed the sum of *six pounds*; and [shall allow an appeal, under such directions as are herein before provided, where such debt or demand shall exceed the sum of forty shillings; and also to determine as aforesaid]* on all specialties and notes of hand, not exceeding the sum of ten pounds, avouched by one or more witnesses; and to give judgment, and award execution thereon accordingly. Provided that either plaintiff or defendant shall have a right to demand a jury of six men to try such causes, after an issue is joined in the cause, proper for a jury to try.

And be it further enacted, that when, in any action to be brought before any justice of the peace in this State, the defendant shall justify, and plead title to land where a trespass is said to have been committed, and satisfy such justice that he has a colour of title to the same, the said defendant shall become bound, with one or more sureties, by way of recognizance, unto the adverse party, in such reasonable sum as the justice shall direct, on condition that he shall appear at the next stated or adjourned county court, to be held for the county in which such trespass is alledged to be done, and deliver the pleadings in the said cause to the clerk of said court, and cause the action to be entered in the said county court for trial, on the first day of the session thereof, and pay and satisfy such damages and costs as shall be awarded against him upon the final judgment given in the said cause. And the said justice shall thereupon deliver the writ and pleadings to the defendant, and the record of the recognizance to the plaintiff. And if such recognizor shall neglect to deliver the pleadings to the clerk, as aforesaid, and cause the action to be entered in due time for trial, according to the tenor of his recognizance, the default shall be entered in the said court, and a writ of scire facias shall be issued by the said clerk, for the recovery of the sum mentioned in said recognizance. And if the said action shall be entered on the clerk's docquet in due time, the said county court shall proceed to try the same, and give judgment in like manner as if the action was originally commenced in that court: but if the defendant in trespass, justifying on plea of title, shall refuse or neglect to become bound in manner as aforesaid, then his plea shall abate, and the justice, notwithstanding the same, shall proceed as if title to land was not concerned.

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* We find a piece of paper attached to the page on which this part of the act is recorded, on which is written the following resolution, viz:

"Resolved, that the Secretary of State be, and he is hereby directed to erase the words "forty shillings" out of the second clause of an act passed the last session, entitled, "An act defining and limiting the powers of the several courts within this State," and insert the words—six pounds, in lieu thereof: and that he insert a proviso in the said clause, that an appeal be allowed in all matters in demand, exceeding forty shillings, except on specialties and notes of hand, not exceeding ten pounds, which are avouched by one or more witnesses"

On the paper containing the foregoing resolution, is found the following indorsement.

"STATE OF VERMONT —*In General Assembly, October* 23, 1782.

The within was read and passed into a resolution of the House.

Attest, ROSWELL HOPKINS, *Clerk*."

On turning to the journal of October 23, 1782, we find it "Resolved that a committee of three be appointed to prepare a bill altering a certain part of a clause in an act defining and limiting the powers of the several courts within this State—that part of the clause, viz—'where the debt or matter in demand does not exceed the sum of forty shillings;'—that they alter the sum to 'six pounds,' and make report. The members chosen—Mr. Abel Curtis, Mr Wright and Mr. Whipple."

On examining the record of the law, it appears that the words, "*six pounds*," are written on an erasure, and the words which we have inclosed in brackets, are interlined; by which, it is presumed, the Secretary *intended* to comply with the resolution.

This is certainly a rare curiosity in legislation, whether we consider the alteration and amendment as designed to have effect from the date of the law, or only from the date of the resolution. If the latter, it would seem that the Legislature had not yet discovered that a law could be altered or amended without an alteration or amendment of the original record:—if the former, it was a manifest innovation upon the established principles of legislation. In either view, it lays a just claim to originality, in the *contrivance* made use of to effect the object.

It is not the least singular feature in this proceeding, that it was an attempt to alter and amend a law, by *resolution*; and that too, for aught that appears, without even an attempt to obtain the concurrence of the Governor and Council.

And be it further enacted, that each and every justice of the peace, within the limits of his authority, be, and is hereby impowered, according to law, to apprehend, or cause to be apprehended, and commit to prison, or bind over to be tried by the county or supreme court, all such criminal offenders, the enormity of whose misdemeanors, surpasses his power to try.

And be it further enacted, that all actions and causes of action, of a civil nature, (except on specialties and notes of hand, avouched by one or more witnesses) wherein the matter in demand exceeds the sum of forty shillings, and on all specialties and notes of hand, avouched as aforesaid, exceeding the sum of ten pounds, shall be originally commenced and prosecuted to effect, in a county court, under such regulations and restrictions as are hereafter provided: and the county courts are to take cognizance of all appeals which, of right, are brought from a justice's court to the county court.

And it is hereby further enacted, that the county courts, within their respective counties, shall take cognizance of all criminal matters of every name and nature (except such cases as are cognizable only in the supreme court) and award such sentence as to law and justice appertains. And any person prosecuted for a criminal offence, and aggrieved at the judgment given in any county court, may appeal from the sentence (the cause being originally heard and tried in the said court) to the next stated or adjourned supreme court, to be holden in said county where the cause was tried, there to be finally determined: the appellant, within twenty-four hours after sentence given, recognizing to the treasurer of the county where the offence is charged to have been committed, (if the prosecution be commenced on the complaint of a county or town informing officer: if otherways, to the prosecutor) with sufficient sureties, in a reasonable sum, for his personal appearance at the court appealed to, prosecuting his appeal there to effect, abiding the order or sentence of the said court thereon, and to be of good behaviour in the mean time. And the party appealing is to remain in the custody of an officer until he shall have given such security: which officer shall not be allowed more than one shilling an hour for the said service.

And be it further enacted, that there shall be and hereby is constituted, a supreme court of judicature within and for this State, to be held and kept annually, at the respective times and places in this act hereafter mentioned, by one chief judge and four other judges, to be chosen by ballot, by the Governor, Council and General Assembly, annually, at their October session, and commissioned for that purpose: any three of whom to be a quorum; who shall have cognizance of all pleas of the State, criminal actions and causes, and whatsoever relates to the conservation of the peace, and punishment of offenders, whether the same be brought into said court by appeal, or any original process, according to law: and also of civil causes or actions between party and party; and between this State and any of its subjects, whether the same do concern the realty, and relate to any right of freehold and inheritance, or whether the same do concern the personalty and relate to matters of debt, contract, damage or personal injury; and also all mixt actions which concern both realty and personalty, brought before them by appeal, review, writ of error, or in any legal way whatsoever. And the said court is hereby impowered to give judgment therein and award execution thereupon, with costs.

And it is also further enacted, that, as well the judges of the county court as the judges of the supreme court of judicature respectively, where the forfeiture or penalty of any obligation, with a condition under written, or penalty annexed to any articles, agreement, covenants, contracts, charter-party, or other specialty, or forfeiture of any estate granted upon condition, executed by deed of mortgage, or bargain and sale with defeazance, shall be found by verdict of jury, or by default or confession of the obligor, mortgager or vender, are hereby impowered and authorised to moderate the rigor of the law; and on consideration of such cases, according to equity and good conscience, to chancer such forfeiture, and to enter up judgment for the just debt and damages, and to award execution accordingly: only upon actions upon mortgages or bargain and sale, with defeazance, the judgment shall be conditioned as follows;—that if the mortgager or vender, his heirs, executors or administrators, shall tender such sum as the court shall determine to be justly due thereupon, to the clerk of said court, within three months after the rendering of such judgment, such clerk shall receive it, and deliver a certificate of such receipt to the person making such tender or payment: which certificate, being entered upon the margin of the record of the mortgage, or other instrument of bargain or sale, in the town clerk's office where such land lies, shall discharge and forever defeat such instrument. And when the plaintiff shall receive such sum of the clerk, the said plaintiff shall subscribe a receipt for it on the records of the court. But if the mortgager or vender shall not make such payment or tender as aforesaid, within the term aforesaid, the plaintiff shall be put in possession of the land sued for, by a writ for that purpose, to be issued by the clerk of the court wherein such judgment was obtained. Saving always, that nothing in this act be understood to debar the plaintiff from going to the clerk's office with the defendant, and receiving the money immediately of the defendant. And also that where judgment shall be rendered by default, in any suit brought on a note of hand, in any court in this State, such court shall have full power to ascertain the sum due on such note, and give judgment accordingly.

[The remainder of the act is occupied in fixing the times and places for holding the sessions of the supreme and county courts.]

AN ACT for the punishment of conspiracies against the peace, liberty, and independence of this State.

Whereas, unanimity, the great strength and security of a free and independent people, is necessary for the existence of a sovereign State: and whereas, insurrection may arise among the inhabitants of this State, fomented and stirred up by some designing persons, with a manifest intent to subvert and destroy the liberties and independence of the same:

Which evil to prevent,

Be it enacted, &c. that when and so often as six or more persons shall assemble, with weapons of terror, with a manifest intent to impede, hinder, or disturb any officer of this State, in the execution of his office; or shall rescue any prisoner, in the custody of the law; or any goods, or chattels, legally distrained; and there shall be among said persons, six, or more, who do not yield allegiance to the authority of this State, or have, and do deny the jurisdiction of the same; all and every person so offending, shall suffer banishment, or imprisonment, at the discretion of the superior court, before whom said offenders shall be tried: and their goods, chattels, and estates, shall be seized, condemned, and sold, by order of the superior court, as forfeited to the use of this State.

And be it further enacted, that if any person or persons shall conspire, or attempt, any invasion, insurrection, or public rebellion, against this State; or shall treacherously, and perfidiously attempt the alteration, or subversion of our frame of government, fundamentally established by the constitution of this State, by endeavouring the betraying of the same into the hands of any of the neighbouring States, or any other power, and be thereof convicted before the superior court, shall suffer banishment, or imprisonment, at the discretion of the said court; and the goods, chattels and estates of such offenders, shall be seized, condemned, and sold, as forfeited to the use of this State.

Be it further enacted, that if any person or persons, so banished, shall neglect to depart when ordered, or, when departed shall return to this State, without first obtaining liberty from the General Assembly, and shall be thereof convicted, he or they shall suffer death.

AN ACT confirming a right of land unto Reuben Bloomer, in the township of Dorset.*

Whereas, Reuben Bloomer hath petitioned this Assembly for the confirmation of, a deed of the original right of land, granted to Timothy Ruggles, Jun., in the town of Dorset, which the said Bloomer had heretofore purchased of Asa Algur, and took of said Algur a deed of the same, under his hand and seal, dated the twelfth day of July, 1769; and the said Algur, signer and sealer of said deed, is since deceased, and one of the witnesses has since deserted his country and joined the enemy of this and the United States; so that said deed cannot be acknowledged in any legal way, heretofore prescribed by law. Therefore,

Be it enacted, &c. that the aforesaid right of land, heretofore described, be, and it is hereby, confirmed unto the said Reuben Bloomer in as full and ample a manner as if the act and deed of the said Asa Algur had by himself, been acknowledged in due form of law: and that the town clerk of said Dorset, is hereby directed to record the said deed, with a copy of this resolution, in the town records.

AN ACT in addition to an Act directing and regulating the levying and serving Executions.

Whereas, from the present scarcity of a circulating medium, it is at present impracticable to satisfy all judgments in money: therefore,

Be it enacted, &c. that when any officer shall levy or take, on execution for more than the sum of one pound, neat cattle, sheep, hogs, grain, flour, beef, pork, hides or tallow, such goods and estate (if the debtors do not pay the money to satisfy such execution, within four days after the same shall be taken) shall be appraised to the creditor to satisfy such execution, at the sign-post, in the town where they are taken, or such other place as the parties shall agree, in the same manner as real estate is to be appraised by the law directing the serving and levying executions. *Provided*, this act shall not be construed to affect debts contracted after the rising of this Assembly;—and that this act be in force until the rising of the Assembly in October next, and no longer.

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* This act is preserved as a specimen of several others of a similar character.

LAWS PASSED AT MANCHESTER,

OCTOBER SESSION, 1782.

AN ACT relating to Auditors and Actions of Account.

For the better regulating actions of account,

Be it enacted, &c. that when any defendant, in any action of account depending in any county or supreme court in this State, shall plead in his defence any plea (which being true he ought not to acconnt) it shall be tried by a jury: and in case verdict be found against him, the court shall enter up judgment against him that he shall account: and in such case, and also where such judgment shall be given on confession, the court may appoint three able, judicious, and indifferent men, auditors in such case; who shall be sworn to hear, examine, and adjust the account or accounts. And the auditors, appointed as aforesaid, are hereby authorised and impowered to appoint a time and place for the hearing and adjusting the accounts aforesaid: and upon the defendant's refusal (due notice being given him of the time and place appointed) to attend upon them, and produce his accounts, the auditors shall award to the plaintiff the whole of his demands. And upon the parties producing to them their accounts, the auditors shall have power to administer an oath unto them to answer such interrogatories as they shall think proper, respecting their accounts. And upon either of the parties refusal to take such oath, or to answer directly to such interrogatories, it shall be in the power of the auditors to commit the party, so refusing, to goal, there to remain, at his own charge, till he will account, or answer, as aforesaid. And when the auditors have adjusted the account, or awarded, as aforesaid, and returned the same to court, (either at the same sessions, or the next) that final judgment shall be made up for the recovery of the sum awarded, and costs; together with such reasonable costs, for the service of the auditors, as the court shall award; which shall be, by the party in whose favor the cause is determined, then paid down to the auditors, and shall be allowed him in his bill of costs.

That in all actions brought on book accounts, and depending before any county or supreme court, the like method may be taken in appointing auditors for the adjustment of accounts between the parties; and the court shall enter up judgment for the recovery of such sum or sums as shall be found to be in arrear by either party, with additional costs as aforesaid; and no person shall be allowed his oath, touching the merits of the cause in question, until judgment to account shall be given in such action, either after verdict or on confession. And in all actions on book accounts, the original books shall be produced in court, as well as before auditors appointed as aforesaid: and no account shall be allowed upon the party's oath, unless such original book be procured as aforesaid, except it shall appear that the same was providentially lost or destroyed:

and no article of account, on the plaintiff's book, shall be allowed, other than such as shall be contained in a schedule annexed to the original writ, at the time of service, and therewith returned.

Provided always, that the plaintiff or defendant not residing in this State, a sworn copy of the original book of such non-resident shall be allowed.

Be it further enacted, that councillors and justices of the peace, shall have the same power in actions of account, on book, as is in this act given to the county and supreme courts, except that they shall have no power to appoint auditors; but shall, after judgment that the defendant account, proceed in person to audit such accounts.

AN ACT for allowing and regulating Offsets.

For preventing unnecessary law suits,

Be it enacted, &c. that if the plaintiff, in any action depending before any court, or justice of the peace, on bond, bill, note, or other contract, shall be indebted to the defendant in like manner, the defendant after pleading the general issue, or confessing the plaintiff's cause of action, may, by leave of the court, plead an offset of any sum or sums due to him from the plaintiff as aforesaid: which plea shall be in the nature of a declaration, in one or more counts, as the nature of the case may require; and shall conclude, praying an offset of the same against the plaintiff's demand: to which plea the plaintiff may, by leave of the court, plead as many pleas as shall be necessary for answering the allegations therein contained. And if he shall plead the general issue to any or all the counts, or shall confess the cause of action contained in any or all the counts, in the defendant's plea, he may, by leave of the court, in like manner, plead an offset of any sum or sums of money due to him from the defendant as aforesaid. And the issues and pleadings being closed, the jury shall be directed to find generally, such sum or sums as shall be in arrear to either party, and judgment shall be rendered accordingly.

Provided always, that no sum due on account not liquidated, nor any bond, bill, note, or other contract, not due and payable before the commencement of the plaintiff's action, nor any note sold and indorsed, or assigned, to the plaintiff or defendant (unless it shall appear on trial, by one evidence at least, that the same was sold and indorsed or assigned to such plaintiff or defendant, before the commencement of the plaintiff's action; which, in such cases, shall be taken to be the day of serving the original writ in the cause) shall be allowed in any plea of offset; any thing before in this act to the contrary hereof, in any wise, notwithstanding.

AN ACT, in addition to an Act, entitled, "An Act for authenticating Deeds and Conveyances of Land.

Whereas, it frequently so happens, that the grantee or vendee of land may die, or be removed over sea, or otherwise be incapacitated by law, before the grantor or vendor shall have acknowledged his deed or conveyance of land to such grantee or vendee, as is by law required:

Therefore,

Be it enacted, &c. that, upon application made by the owner or possessor of any deed or conveyance of land, to the grantor or vendor thereof, to acknowledge the same according to law; and if the said grantor or vendor shall neglect or refuse to do the same, and information of such neglect or refusal being made by the owner or possessor of such deed, to any one assistant, or justice of the peace, in the county where such grantor or vendor doth or may reside; the said assistant or justice of the peace, shall issue his warrant to the sheriff of such county, his deputy, or the constable of the town where such grantor or vendor resides; commanding him to take the body of such grantor or vendor, and him cause to appear before some lawful authority, and him commit to the keeper of the common goal of the said county, in case he shall still refuse to acknowledge such deed; there to remain until he shall pay all costs of such process, and acknowledge such deed or conveyance as aforesaid.

AN ACT in addition to an Act regulating Goals and Goalers.

Be it enacted, &c. that when any person or persons are committed to prison, in any civil matters or action, the keeper of the goal shall not stand charged with his, her, or their supply of victuals, or other necessaries: and in case the prisoner or prisoners hath no estate, and will and do take, before an assistant or justice of the peace, the following oath, the creditor, or his attorney, being present, or legally notified, (if within this State) to attend at the time and place for the taking such oath,—*You —— solemnly swear by the ever living God, that you have not any estate, real or personal, of the value of five pounds in the whole, nor sufficient to pay the debt or damages for which you are imprisoned; and you have not directly or indirectly disposed of all, or any part of your estate, with an intent to defraud or deceive any of your creditors*;—the creditor shall provide for such prisoner's relief; otherwise the keeper of the goal shall not stand charged with such prisoners, but shall release such prisoner or prisoners from their imprisonment; unless the creditor shall then pay, and continue to pay, the goaler's fees for keeping and dieting such prisoner or prisoners; and all such charges as the creditor shall be at, he shall have power to levy with the execution before the prisoner be discharged from prison.

And be it further enacted, that the county courts, in their respective counties, shall have power, and they are hereby empowered, to set out liberties or yards to the respective goals: and any person committed for debt or damages, and no other cause, on procuring sufficient bonds to indemnify the sheriff, shall be admitted to the liberties of the goal-yard. And the chief judge of the county courts, in their respective counties, shall, until the next session of said courts respectively, have the power to set out liberties or yards, to their respective goals.

AN ACT to restrain the taking of excessive Usury.

Be it enacted, &c. that no person or persons whatsoever, upon any contract hereafter to be made, shall take, directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities whatsoever, more than the value of six pounds for the forbearance of one hundred pounds, for a year; and so after that rate, for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, mortgages and assurances whatsoever, hereafter to be made, for the payment of any principal, or money lent, or covenanted to be lent, upon or for usury, whereupon, or whereby, there shall be reserved, or taken, more than the rate of six pounds on the hundred as aforesaid, shall be utterly void.

And any person whatever, who shall, upon any contract, take, accept, or receive, by ways or means of any corrupt bargain, loan, exchange, or by covin, or deceitful conveyance, or by any other ways or means whatever, for the forbearing, or giving day of payment, for one whole year, of and for their monies, or other thing or things, above the sum of six pounds for the forbearing of one hundred pounds, for a year; and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and pay, for every such offence the full value of the goods and monies, or other thing so lent, exchanged, bargained, sold, or agreed for; one moiety thereof to the public treasury of this State; the other moiety to the informer that shall sue for, and prosecute the same to effect.

Provided nevertheless, that nothing in this act shall extend to the letting of cattle, or other usages of the like nature in practice among farmers, or maritime contracts, bottomry, or course of exchange, as hath been heretofore and still is accustomed.

And when the defendant in any action at law, on such bond, bill, mortgage, note, or other instrument, shall suppose no sufficient evidence in law can be produced of the usury therein contained, it shall be lawful for the defendant, in such action, to inform the court before which such action is brought, by filing his bill in equity with the clerk of such court, on the second day of the court's sitting, that such bond, bill, mortgage, note, or other instrument is usurious and oppressive: and the court shall proceed to examine the parties on oath, or in any other way proper for a court of equity. And if the plaintiff shall refuse to be examined on oath, he shall be non-suit, and the defendant shall recover his costs.

And if, on trial, the court shall find such bond, bill, note, mortgage, or other instrument, usurious and oppressive, they shall adjust the same in equity, and shall give judgment that the plaintiff shall recover no more than the just value of the goods, &c. sold, or than the principal sum which the defendant received of the plaintiff, without any interest or advance thereupon. *Provided*, that nothing in this act shall be construed to prevent any person from proceeding, on full evidence, against excessive usury and usurious contracts, either in defending or recovering thereon, as is before in this act provided.

AN ACT for granting a new trial in a cause therein described.

Whereas, at the county court held in the county of Rutland, in June, 1781, judgment was rendered against Benjamin Whipple, Esq. in a cause wherein Daniel Square was plaintiff, for thirty-five pounds, lawful money, with costs. And whereas, there has been sufficient reasons adduced to the Legislature for the suspending execution in said cause, and granting a new trial therein. Therefore,

Be it enacted, &c. that the judgment be reversed, and a new trial be, and is hereby granted in the said cause; and that execution be, and is hereby suspended in the said cause; and the county court, in the said county, are hereby directed to take cognizance of said cause, at their next session, in case said Daniel bring forward his suit; and if judgment shall be rendered for the defendant, or if said Daniel shall not further prosecute his suit, the said court shall award to the defendant not only his tax in the former suit, but all necessary costs which have accrued in annulling the judgment abovesaid. *Provided*, that a copy of this act be read to, or served on, the said Daniel Square, at least twelve days before said court.

AN ACT to impower Ebenezer Taft, administrator to the estate of Timothy Tyler, deceased, to sell part of the real estate of said Tyler.*

Whereas, it is represented to this Assembly that the personal estate of Timothy Tyler, late of Townshend, deceased, is insufficient, by the sum of one hundred and seventy-one pounds and fifteen shillings, to pay the debts due from said estate;

Be it enacted, &c. that Ebenezer Taft, administrator of the estate of the said Timothy, be, and he is hereby, impowered to sell so much of the real estate of said Tyler, as will pay the sum of one hundred and seventy-one pounds and fifteen shillings, lawful money, and the charge of selling the same,—under the direction of the court of probate for the district of Westminster, for the purpose of paying the debts due from said estate.

AN ACT granting a new trial in the case therein mentioned.

Whereas, Abner Chaffee, of Belchertown, in the State of Massachusetts, has petitioned this Assembly for a new trial in a cause determined, between the said Abner Chaffee, plaintiff, and David Bredia, defendant, before the county court, holden at Bennington, on the third Tuesday of September last, on a note of hand, wherein judgment was rendered for the sum of twenty-one pounds and three shillings debt, and the sum of five pounds two shillings and nine pence, costs of suit; in favor of said Bredia. And whereas, it has been made to appear to this Assembly that a new trial ought to be granted:—Therefore,

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* This act is selected from a number of a similar character, for the purpose of shewing the powers exercised by the Legislature on this subject.

Be it enacted, &c. that a new trial be, and hereby is, granted in the aforesaid cause, at the adjourned county court, to be holden at Bennington, in and for the county of Bennington, on the third Tuesday of December next: and that the judgment aforesaid is hereby reversed, and rendered null and void. *Provided*, the said Chaffee enter the said cause on the first day of the court's sitting. And if it shall appear that the judgment aforesaid has been satisfied, the said court are hereby impowered to consider and allow the same, in the final determination of the cause, and are to tax cost, as on review.

AN ACT in addition to an Act directing and regulating the levying and serving executions.

Whereas, from the present scarcity of a circulating medium, it is impracticable to satisfy all debts in money: Therefore,

Be it enacted, &c. that when any officer shall levy or take on execution, any personal estate of a debtor, of what nature or denomination soever, for more than the sum of one pound, and such debtor shall not satisfy such execution within four days after the same shall be taken; such estate, goods or chattels, shall be appraised to the creditor to satisfy such execution, at the sign-post in the town where they are taken, or such other place as the parties shall agree, in the same manner as real estate is to be appraised by the law directing the serving and levying executions. And the officer shall have right, and is hereby impowered, to administer the oath by law directed to be taken by such appraisers. *Provided*, this act shall not be construed to affect executions issued for fines and penalties; but in such cases due bills on the treasury where such fines are to be paid in, shall be accepted.

And be it further enacted, that neat cattle, wheat, rye, and indian corn, be a lawful tendry to an officer on an execution; and it is hereby declared to be the duty of the officer to levy on any such estate, that may be tendered by the debtor: and immediately on appraisal, such article or articles appraised, shall belong to, and be at the risque of the creditor.

And in all cases where a third person may be necessary to appraise any estate, the said third person shall be a freeholder and inhabitant of the town where such estate is to be appraised: and no more fees shall be made up for any appraiser, than would of right, belong to him, in case he lived in the town where such estate is appraised. And that this act be in force until the rising of the Assembly in October next.

AN ACT for discharging the collector of the town of Manchester for four pounds, lawful money, on the tax of said Manchester, on account of two counterfeit forty shilling bills, he took for said tax.

Whereas, it is found by the Legislature that Robert Loggan, collector of taxes for the town of Manchester, did take two forty shilling bills, which were counterfeit, for State taxes (and condemned by the treasurer,) which he could not swear back on any person: therefore the said collector destroyed the same:

Be it enacted, &c. that the treasurer be, and is hereby directed to discharge him four pounds, on the tax of said town.

AN ACT for the regulation of Fees.

Whereas, the fees heretofore granted to the officers of government, have been found, in some instances, inadequate to the services they were intended to compensate;

Be it enacted, &c. that the fees to be taken by the several officers of this State, herein after mentioned, be as follows, viz.

Fees for the Lieutenant Governor.

	£	s.	d.
For attending the Council, per day, - -	0	8	0
Travel, per mile, out, - - - - -	0	0	4

Councillors' Fees.

	£	s.	d.
For attending Council, per day, - - - -	0	7	0
Travel, per mile, out, - - - - - -	0	0	4

Representatives' Fees.

	£	s.	d.
For attending the General Assembly, per day,	0	6	0
Travel, per mile, out, - - - - - -	0	0	4

Supreme Court's Fees.

	£	s.	d.
Chief judge, while sitting, per day, - -	0	18	0
Assistant judge, while sitting, per day, - -	0	15	0
Travel per mile out, - - - - - -	0	0	4
To the jury for each action tried, - - -	1	4	0
And there shall be paid into the clerk's hands for the benefit of the judges attending, for each action tried,	0	18	0
And for each default or confession, - - -	0	10	0

Clerk of Supreme Court's Fees.

	£	s.	d.
For each days attendance on the court, while sitting,	0	6	0
Each mile's travel out, - - - - -	0	0	4
Entering each action for trial, - - -	0	2	0
Entering each judgment. - - - - -	0	2	0

Filing each recognizance, testimony, and other necessary papers, each, - - - - -	0	0	4
Taking each recognizance in court, - -	0	1	0
Every rule of Court, - - - - - -	0	0	6
Every execution, - - - - - -	0	1	6
Copies of each paper, so much as shall be taxed by the court, according to the length.			
For other services, not herein particularly mentioned, such sum as shall be allowed by the court.			

County Court's Fees.

Chief judge, while sitting, per day, - -	0	10	0
Assistant judges each, per day, - -	0	7	0
Travel per mile, out, - - - -	0	0	4
To the jury, for each action tried, - -	0	18	0
And there shall be paid to the clerk, for the benefit of the county treasury, for each action tried, -	0	10	0
For each default or confession, - -	0	4	0
And for licence to each tavern-keeper, (whereof to the clerk two shillings,) - - -	0	6	0

Clerk of County Court's Fees.

Entering each action, - - -	0	1	0
Entering each judgment by default or confession,	0	1	6
Recording each judgment on demurrer and after verdict, - - - - -	0	3	0
Filing each recognizance, testimony, and other necessary papers, each, - - -	0	0	4
Taking each recognizance in court, - -	0	1	0
Entering the common rule in ejectment, -	0	1	6
Every other rule or order of court, - -	0	0	6
Every execution, - - - -	0	1	6
Copies of each paper, such sum as shall be allowed by the court, according to the length.			
For attachments, summones, and other services proper to him, as in the justices' fees.			
For other services, not herein particularly enumerated, such sum as shall be allowed by the court.			

Councillor's and Justice's Fees.

Signing attachments or summons for action, -	0	1	0
When bond is given, - - -	0	1	3
Subpœna, for each witness, - - -	0	0	4
For judgment, in each action tried, - -	0	3	0
If on the verdict of a jury, - - -	0	6	0
Every execution, - - - -	0	1	6
Each continuance, - - - -	0	1	0
Every complaint, - - - -	0	0	9
Every warrant for criminals, - -	0	1	3

Every appeal and recognizance, - - -	0	2	0
Copy of each evidence, - - -	0	0	6
Copy of judgment, - - - -	0	0	8
Recognizance, - - - -	0	1	0
Each venire for a jury, - - -	0	1	0
Judgment on confession or default, - -	0	1	0
Affidavits taken out of court, - - -	0	1	0
Taking the acknowledgment of a deed, &c. -	0	0	7

Judge of Probate's Fees.

For granting administration, - - - -	0	2	0
If the inventory exceed £50, - - -	0	3	0
Receiving and proving each will, where the inventory does not exceed £50, - - -	0	2	0
If the inventory exceeds £50, - -	0	3	0
Allowing of accounts, settling and dividing intestate estates, - - - - -	0	5	0
Every necessary order or rule, - -	0	1	0
Appointment of persons to inventory and appraise an estate, - - - - -	0	1	6
Appointing committee to set off widow's dower,	0	1	6
Appointing guardians, - - -	0	2	0

Clerk of Court of Probate's Fees.

For drawing and filing administration bond, -	0	2	0
Each letter of administration, - -	0	1	6
Probate of a will, where the inventory does not exceed £50, - - - - -	0	2	0
Where it does exceed £50, - - -	0	2	6
Recording or copying a will, inventory, or other necessary paper, for each hundred words, -	0	0	4
Every citation, - - - - -	0	0	9
Every quietus or acquittance, - - -	0	2	6
Making out a commission to receive and examine the claims of creditors to insolvent estates, -	0	2	0
Registering the same, - - -	0	1	0
Entering an order upon the administrator to pay out the estate, in proportion, unto the several creditors returned by the commissioners, - -	0	1	6
Entering every other necessary order or rule, -	0	0	6
Drawing and filing every guardian bond, -	0	2	0
For every other necessary service, not herein particularly mentioned, such sum as shall be allowed by the judge.			

Secretary of State's Fees.

For recording laws in the State records, for every hundred words, - - - -	0	0	4

For receiving and filing each petition between party and party, - - - - -	0	0	8
For receiving and filing each petition for land,	0	1	0
For copies of laws, petitions, &c., for each hundred words, - - - - - -	0	0	4
For each citation between party and party, -	0	1	0
And there shall be paid to the Secretary, for the use of the treasury, on the filing of each petition between party and party, to be determined by the Assembly, - - - -	1	0	0
For drawing, attesting and registering each charter of incorporation, - - - - -	1	0	0
For attending the General Assembly, for each day,	0	12	0
Travel, per mile, out, - - -	0	0	4

Secretary of the Council's Fees.

For each military commission, he finding blank,	0	1	6
Each commission for the justices of a county,	0	4	6
Commission for judges of the supreme court,	0	3	0
For each commission for judges of county and probate courts, - - - - -	0	2	0
Every order of Council for the benefit of particular persons, - - - - - -	0	1	0
Affixing the State seal, each time, - -	0	1	6
Attending Council, per day, - - -	0	7	0
Travel, per mile, out, - - -	0	0	4

Town Clerk's Fees.

For recording a deed, - - -	0	1	2
For the copy of a deed, - - -	0	1	2
Recording a survey bill, - - -	0	0	6
Recording a marriage, birth or death, -	0	0	3
Recording each mark, - - -	0	0	6

Attorney's Fees.

In taxing bills of cost, the party recovering to be allowed for attorney's fees, at county courts, -	0	12	0
In the supreme court, - - -	0	18	0
In the Assembly, - - -	0	18	0
To the State's attorney, for prosecuting each criminal action to effect, - - -	1	10	0

Post Wages.

For man, horse, and expenses, each mile out, if he does not cross the green mountain, -	0	0	4
If across the green mountain, - -	0	0	5

Sheriff's and Constable's Fees.

Serving every process, on each defendant, by reading,	0	0	4

If by copy,	0	1	0
Bail bond, (if taken.)	0	1	0
For levying each execution, to be one shilling for one pound, or under, and three pence on the pound, for every pound above.			
For attending on a justice's court, when obliged to attend, for each action tried,	0	2	0
Each mile's actual travel,	0	0	4
Sheriffs attending the General Assembly, supreme or county courts, per day,	0	6	0
Constable for the like service, per day,	0	4	6
Fees for plaintiff or defendant attending any court, per day,	0	2	0
Witnesses for attending any court, per day,	0	3	0
Travel for plaintiff, defendant, or evidence, in any court, per mile,	0	0	3
Plaintiff or defendant living out of the State, for crossing the line of the State, and from thence to court,	0	6	0
Fees for freeholders summoned to assess the damages sustained in laying out highways, shall be for each freeholder per day,	0	3	0
The sheriff attending on such freeholders, per day,	0	4	0
Jury for a justice's court, for each action tried, to be advanced by the party praying a jury,	0	9	0

Brander and Recorder of Horses Fees.

For branding and recording every horse kind,	0	0	6
For each copy of record,	0	0	6

Goaler's Fees.

For commitment of a prisoner,	0	2	0
For discharge of a prisoner,	0	2	0
For dieting a prisoner, per week,	0	5	0

County Surveyor's Fees.

For himself and horse, per day, beside expenses,	0	6	0

Sheriff's and Constable's assistant's Fees.

For each man that attends the sheriff or constable, per day,	0	4	0

Grand Juror's Fees.

For each days attendance at the supreme or county court, for each grand juror,	0	4	6
And four pence per mile travel from their respective dwelling-houses to the court,	0	0	4

Fees for Agents to Congress.

For each days service, (exclusive of expenses) finding their own horses, - - -	0	10	0

Fees for Auditors of Accounts, Committees of Pay-table, and for Revising the Laws.

For each days service, (they bearing their own expenses,) - - - - - -	0	12	0

AN ACT further to continue the Laws passed by the Legislature of this State.

Be it enacted, &c. that each and every law and statute of this State (except those statutes, and parts of statutes, that have been repealed by special act of Assembly) shall be and remain in full force and virtue, until the rising of the General Assembly, in October next.

LAWS PASSED AT WINDSOR,

FEBRUARY SESSION, 1783.

AN ACT to enable the Governor and Council to pardon certain persons therein described.

Whereas, certain persons in the county of Windham, have lately been convicted, before the supreme court of this State, of conspiring and attempting an invasion, insurrection, and public rebellion against this State, contrary to the form of a statute of this State, passed in June last, entitled, "An Act for the punishment of conspiracies against the peace, liberty, and independence of this State;" and have been banished therefor: and whereas, it is suggested that some of said persons are penitent, and desirous of returning to their duty; and it is probable that during the recess of this House, some of said persons will petition for a pardon of their said offences: this Assembly being desirous, at all times, of shewing mercy, when it can be done consistent with the public safety:

Be it therefore enacted, &c. that his Excellency the Governor and the Honorable the Council of this State, be, and hereby are fully authorised and empowered, upon application to them made, during the adjournment of this Assembly, to pardon any of the said persons who have been banished from this State by the supreme court as aforesaid, in as full and ample a manner as this Assembly could do if convened.

AN ACT directing the Treasurer to issue State Notes on interest, for debts due from this State.

Whereas, it is found necessary that the several due bills and orders heretofore issued in behalf of this State, should be reduced to one channel, the better to ascertain the amount of the out-standing debts of the same, and reasonable that such debts should be on interest:

Be it enacted, &c. that the committee of pay-table be, and they hereby are directed to make regular entries of all accounts, by them allowed, and orders thereupon drawn on the treasurer, and make return to his office, of all such orders, quarterly, viz:—on the first day of January, the first day of April, the first day of July, and the first day of October annually. And that the superior court be, and hereby are directed to keep a record of all orders by them drawn on the treasurer, and make a return of the same into his office, at the close of every session of said court. And the commissary-general of purchases, is also hereby directed to deliver to the treasurer, on or before the twentieth day of March next, an exact list of all debts contracted in behalf of this State, by him or his deputies, with the several sums, date of each contract, and the names of the several persons to whom due. And the commissary-general of purchases, drawing on the treasurer for the payment of such debts, so returned, as aforesaid, the treasurer is hereby directed to give his notes on interest, in behalf of this State, and make the commissary debtor for such sums. And the treasurer is also hereby directed to give his notes, in behalf of this State, on all due bills issued out of his office before this date, including such also as must be given on accounts necessary to be liquidated at the close of this session, and on regular orders heretofore drawn on him, and the commissary's orders for debts heretofore contracted by him, and all due bills which have been or may be issued by the pay-master. And such State notes to be issued by the treasurer as aforesaid, shall bear date and draw interest from the 13th day of February instant. *Provided*, such treasurer's due bills, orders and pay-master's due bills, be returned into the treasury-office on or before the first day of August next.

Be it further enacted, that all State notes, which may be issued by the treasurer, for orders hereafter to be drawn on him, and all such commissary's and other orders and due bills as aforesaid, which shall not be returned into the treasury-office, by the said first day of August next, shall be on interest and bear date from the time only of the treasurer's issuing notes as aforesaid, thereupon.

And whereas, a quantity of the bills of credit emitted by this State, are likely to remain in the hands of individuals, after the several taxes now levied are collected; Therefore,

Be it further enacted, that the treasurer be, and he hereby is directed, on the receipt of any such bills into his office, which are not received for taxes, to issue his notes therefor, in manner aforesaid, dating said notes at the time of receiving such bills; provided it be for no sum less than one pound; and such money so received by the treasurer, shall be destroyed in the manner heretofore prescribed. And all such State notes, so issued or to be issued, by the treasurer as aforesaid, shall be given on demand and draw interest at the rate of six per cent per annum : and the interest thereon shall be paid in hard money, annually, if demanded.

And the substance or form of such State notes shall be in the terms following, viz :—

(" No.) TREASURY-OFFICE, day of

The State of Vermont acknowledge themselves indebted to A. B. the sum of lawful money, which I promise in behalf of said State, to pay the said A. B. or possessor, on demand, with interest at six per cent, per annum : said interest to be paid in hard money, annually, if demanded.

" By virtue of an act of Assembly, passed at Windsor, February, 1783.

" Witness, I. A. Treasurer."

Provided always, that no interest shall be allowed on any State notes, which shall be received in payment of taxes, that have been or may be granted, for the purpose of calling in and discharging said notes, after the day appointed, for the payment of such taxes to the collectors.

AN ACT to confirm the substance of the last Will and Testament of Rufus Rude, late of Royalton, deceased, as the last Will of the said deceased.

Whereas, it appears that the last will and testament of Rufus Rude, late of Royalton, in the county of Windsor, deceased, was burned by the enemy in the destruction of Royalton, in the year 1780, and that the substance of the said will appears by the united testimony of the witnesses thereto to be as follows :—After setting forth his being of sound and disposing mind and memory, and commending his soul to God Almighty, and his body to the earth, to be buried in a decent manner, &c. he did dispose of his wordly estate in manner and form as follows :

Imprimis.—He did give and bequeath unto Sarah, his wife, one third part of his estate, both real and personal.

Item.—He did give and bequeath unto his son Rufus, five shillings, lawful money, to be paid by his executor thereafter named ; he having had his portion, before hand.

Item.—He did give and bequeath unto his daughter, Abigail, the wife of Simeon Curtis, of Norwich, in said county, one middling cow, or the value thereof ; to be paid by the said executor—also one moiety of his wearing apparel.

Item.—He did give and bequeath unto his son-in-law, Elias Stevens, of said Royalton, all the remainder of his real estate : and to the said Elias and Sarah, his wife, daughter of the said Rufus, he did give and bequeath all the remainder of his personal estate. And further did constitute and appoint the said Elias Stevens, to be executor of his said last will and testament : at the same time revoking all other, and ratifying and confirming the said instrument, and no other, to be his last will and testament :—Therefore, *Be it enacted*, &c. that the substance of the said last will and testament of the said Rufus Rude, be and hereby is ratified and confirmed to be the last will and testament of the said deceased: and that it be of equal force and validity as if the same will were still in being.

AN ACT granting a pardon to —— ——.

Whereas, —— ——, late of Brattleborough, has been found guilty of treason against this State, and banished therefrom, not to return on pain of death; and all his estate, both real and personal, condemned to and for the use of this State. And whereas, the said —— has petitioned this Legislature for pardon, setting forth his sincere and hearty penitence and determination to behave orderly and submissive, in case of pardon: and as this Legislature are disposed to extend clemency to the unfortunate, and are made to believe that the said ——'s penitence is sincere:

Be it therefore enacted, &c. that —— ——, late of Brattleborough, be, and he is hereby pardoned, and discharged from the sentence passed against him in the superior court, holden at Westminster, in September last, on his paying all the cost of such suit, and his confinement in consequence thereof.

AN ACT for lengthening the time of redemption of three lots of land, belonging to the heirs of Thomas French, deceased.

Whereas, it has appeared to the Legislature that there was some collusion made use of, in the purchase of some lands, lying in Pawlet, the property of the heirs of Thomas French, late of Manchester, which were sold to pay the land-tax granted in the year 1781.

Be it therefore enacted, &c. that the right of redemption of three lots of land in said Pawlet, formerly the property of said heirs, and now held by other persons on said vendue purchase, be and is hereby prolonged until the first day of June next.

AN ACT, in addition to an Act, entitled, "An Act directing and regulating the levying and serving Executions."

Whereas, through a scarcity of a circulating medium, it is very difficult to satisfy all debts in specie. Therefore,

Be it enacted, &c. that neat cattle, beef, pork, sheep, wheat, rye, and indian corn, shall be a lawful tender, if turned out by the debtor, on any execution. And it is hereby declared to be the duty of an officer having any execution, to levy the same on any or all the aforesaid estate, so turned out by the debtor: and such estate, so turned out and taken on execution, shall, unless the debtor shall, within four days, otherwise satisfy such execution, be appraised to the creditor, at the sign-post in the town where the same shall be taken, or other place where the parties may agree. And the appraisers of such estate shall be appointed in the same manner as the appraisers of real estate are by law to be appointed. And the officer shall satisfy all reasonable charges of such appraisement, out of the debtors estate. And the appraisers, before they proceed to make the appraisement, shall take the following oath; which such officer is hereby impowered to administer, viz:—

"*You ——— being appointed to appraise such estate as shall be presented to you, do swear that, all partiality, prejudice, and other sinister respects, laid aside, you will appraise the said estate, according to the present and just value thereof in money, to the creditor or creditors, who is to receive the same; and that you will do therein according to your best judgment and conscience. So help you God.*"

And be it further enacted, that an act passed at Manchester, in October, 1782, entitled "An Act, in addition to an act directing and regulating the levying and serving executions," be and the same is hereby repealed.

Provided always, that this act shall not extend to executions, issued on any judgments obtained on any contracts made, or hereafter to be made, since the first day of July last. And the date of such contract shall be certified on such executions.

AN ACT for the purpose of granting Daniel Taylor, a new trial in a certain cause therein mentioned.

Whereas, by authentic evidence laid before this Assembly, it appears that manifest injustice has taken place in a certain cause heard and finally determined, before the county court for the county of Windham, at their adjourned session, at Westminster, August term, 1782, wherein Daniel Taylor of Newfane, in the county of Windham, was plaintiff, and John Mercy of Windsor, in the county of Windsor, was defendant: which injustice to prevent, and to grant the parties a new trial in a due course of law,

Be it enacted, &c. that there be and hereby is granted to the said Daniel Taylor, a new trial in the above recited cause: and that it be the duty of the said Daniel to enter his cause at the next session of the county court for the county of Windham, and to proceed to trial as though said cause had never been heard. And the said court are hereby directed to hear, adjudge and finally determine said cause, according to the laws, ordinances and statutes of this State, made and provided: of which pre-[illegible] parties are to take notice at their peril.

LAWS PASSED AT WESTMINSTER,

OCTOBER SESSION, 1783.

AN ACT to enable Towns and Parishes, to erect proper Houses for public Worship, and support Ministers of the Gospel.

Whereas, it is of the greatest importance to the community at large, as well as to individuals, that the precepts of christianity and rules of morality be publicly and statedly inculcated on the minds of the inhabitants. Therefore,

Be it enacted, &c. that whenever any town or parish shall think themselves sufficiently able to build a meeting-house, or settle a minister, it shall be the duty of the town or parish clerk, on application of seven freeholders of such town or parish, to warn a town or society meeting, mentioning the time, place, and matter to be debated; giving twelve days notice, by posting the same at the most public place, or places, in said town or parish: and that two thirds of the inhabitants of such town or parish, who shall meet agreeable to such warrant, being legal voters, and of similar sentiments with respect to the mode of worship, shall be hereby authorised to appoint a place or places for the public worship of God, and fix on a place or places for building a house or houses for such worship, and vote a tax or taxes sufficient to defray the expense of such building or buildings; and also to hire, or otherwise agree with, a minister or ministers to preach in such town or parish, either to supply such town or parish with preaching, or on probation for settlement; and further to vote such minister or ministers such settlement or settlements in money, or otherwise, as to them shall seem equal; and to vote such minister or ministers such annual support in money, or otherwise, (to be agreed on between such minister or ministers and people) as shall be found necessary; to be assessed on the polls and rateable estates of persons living, or estates lying, within the limits of such town or parish.

Provided, no person shall be obliged to pay such tax or taxes, or any part thereof, or his estate taken therefor, who shall be hereafter described and exempted by this act.

Provided also, that no vote shall be deemed legal and binding on such inhabitants as are not by law exempted as aforesaid, unless there shall be twenty-five legal voters in the affirmative.

And if the inhabitants of any town or parish shall agree to build a meeting-house or houses, agreeable to the tenor of this act, but shall not agree on the place or places to build the same; in that case it shall be the duty of the county court, at their sessions within the county where such difficulty may arise, at the request of not less than seven members, inhabitants of such town or parish, to appoint an indifferent committee at the discretion of the court, and cost of such town or parish, to view attentively such town or parish, and find out the most convenient place or places for such house or houses, and there set up a stake or stakes, and acquaint the clerk of such town or parish therewith, who shall make a record thereof: and such committee shall report their doings to the court that appointed them; which court shall examine said report, and if found to be just and equal, shall establish the same.

And whereas, there are in many towns and parishes within this State, men of different sentiments in religious duties, which lead peaceable and moral lives, the rights of whose conscience this act is not to controul; and likewise some, perhaps, who pretend to differ from the majority with a design only to escape taxation. Therefore,

Be it enacted, that every person or persons, being of adult age, shall be considered as being of opinion with the major part of the inhabitants within such town or parish where he, she or they shall dwell, until he, she or they shall bring a certificate, signed by some minister of the gospel, deacon, or elder, or the moderator in the church or congregation to which he, she or they pretend to belong, being of a different persuasion; which certificate shall set forth the party to be of their persuasion: and until such certificate shall be shewn to the clerk of such town or parish (who shall record the same) such party shall be subject to pay all such charges with the major part, as by law shall be assessed on his, her or their polls or rateable estate.

Provided, this act shall not be construed to extend to the collection of taxes, for the purposes herein named, from any persons, or description of persons, who, before the publication of this act, shall have confederated together to support the gospel, until such confederation shall be dissolved, or such persons, or description of persons, shall apply to the General Assembly to be incorporated into a town or parish, or towns or parishes, and receive the final determination of said Assembly. *Provided also*, that such application shall be made in one year from said publication; any thing contained in this act to the contrary notwithstanding.

AN ACT against Adultery, Polygamy, and Fornication.

Whereas, the violation of the marriage covenant is contrary to the command of GOD, and destructive to the peace of families:

Be it therefore enacted, &c. that if any man be found in bed with another man's wife, or woman with another's husband, the persons so offending, being thereof convicted before the supreme court, shall be severely whipped on the naked body, not exceeding thirty-nine stripes; unless it shall appear upon trial that it was involuntary in one of the parties; in which case no punishment shall be inflicted on such party not consenting.

And if any person shall commit adultery, and be thereof convicted before the supreme court, he, she or they shall be set upon the gallows for the space of an hour, with a rope or ropes about his, her or their neck or necks, and the other end cast over the gallows: and also shall be severely whipped on the naked body, not exceeding thirty-nine stripes, and shall, from the expiration of twenty-four hours after such conviction, during their abode in this state, wear a capital A. of two inches long, and proportionable bigness, cut out in cloth of a contrary color to their cloaths, and sewed upon their upper garment, on the out-side of their arm, or on their back, in open view. And if any person or persons, having been convicted and sentenced for such offence, shall, at any time, be found without their letter so worn, during their abode in this State, he or they shall, by warrant from any justice of the peace, be forthwith apprehended, and publicly whipped, not exceeding fifteen stripes: and so from time to time, *toties quoties*.

That if any man and woman who have been, or shall hereafter be divorced, according to law, or where their marriage has been or shall be declared null and void, shall cohabit or converse together as man and wife, and be thereof convicted as aforesaid; every such person shall suffer the like pains and penalties as are above mentioned.

Be it further enacted, that if any person or persons in this State, being married, or who shall hereafter marry, do, at any time, presume to marry any other person, the former or other husband or wife being alive; or shall continue to live together, so married; that then, every such offender shall suffer and be punished as in case of adultery: and such marriage shall be, and is hereby declared to be null and void: which offenders shall be tried in the county where they shall be apprehended.

Always provided, that this act, or any thing therein contained, shall not extend to any person or persons whose husband or wife shall be continually remaining beyond the seas, by the space of seven years together; or whose husband or wife shall absent him or herself, the one from the other, by the space of seven years together, in any part of this or the United States of America, or elsewhere, the one of them not knowing the other to be living within that time.

Provided also, that this act shall not extend to any person or persons whose husband or wife has lately, or shall hereafter, go to sea in any vessel bound from one port to another, where the passage is usually made in three months time, and such vessel has not been, or shall not be heard of within the space of three full years next after their putting to sea from such port; or only be heard of under such circumstances as may rather confirm the opinion commonly received of the whole company's being utterly lost.

But in every such case, the matter being represented to the supreme court, and made to appear, the person whose husband or wife is or shall be, in this manner, parted from her or him, may be esteemed and declared single and unmarried: and upon such declaration thereof, and liberty obtained from the said supreme court, may lawfully marry again: any thing in this act to the contrary notwithstanding.

Provided also, that this act shall not extend to any person or persons that are or shall be, at the time of such marriage, divorced by any sentence had, or hereafter to be had, agreeable to law; nor to any person or persons where the former marriage has been or shall hereafter, by such sentence, be declared to be void, and of none effect: nor to any person or persons for or by reason of any former marriage had or made, or hereafter to be had or made, within the age of consent: that is to say, the man fourteen years of age, and the woman twelve.

And be it further enacted, that every person who shall commit fornication within this State, and be duly convicted thereof before any county court in this State, before the inter-marriage of such persons offending, shall pay a fine not exceeding four pounds to the treasury of the county where such conviction shall be had; or be punished, by whipping, not exceeding twelve stripes each: at the discretion of the county court which shall have cognizance of the offence.

AN ACT to prevent the inhabitants of New-York being allowed greater privileges within this State, than the inhabitants of this State are allowed within the State of New-York.

Whereas, by an act of the Legislature of the State of New-York, no person or persons belonging to this State, are permitted to commence any suit or action at law, within the jurisdiction of New-York, for the obtaining of their just rights, unless they acknowledge the jurisdiction of said State, so far as to take an oath of allegiance to the same.

Therefore,

Be it enacted, &c. that no person or persons, being an inhabitant or inhabitants of, or residing within the jurisdiction of the State of New-York, shall, within the time of his, her or their residence as aforesaid, commence any suit or suits at law, within the jurisdiction of this State, against any inhabitant or resident thereof, for any civil matter or contract, until the Legislature of said State of New-York shall allow the inhabitants of this State full liberty to commence the like suits within their jurisdiction, and without any such lets or hindrances.

AN ACT declaring a time when to begin the settlement of new lands, that has been prevented by the late war between Great-Britain and America.

Whereas, the war has stopped the settlement of the northerly part of this State: and as very considerable tracts of land have been disposed of on consideration of settlement, which must necessarily depend on some period when it might be reasonably supposed that such lands might be settled with safety, after the war was to an end. And whereas, many disputes may arise in future when such time was:

Which to prevent,

Be it enacted, &c. that the first day of May next, be, and hereby is, declared a lawful time to begin the settlement of new lands, that have been prevented by the late war between Great-Britain and America: and all persons concerned in such lands are required to take notice hereof, and govern themselves accordingly.*

AN ACT establishing a right of land in Poultney, to John Ashley.

Whereas, it appears that John Ashley, of the township of Poultney, in in the county of Rutland, did, in the year 1773, purchase one whole right or share of land, being lot number eleven, first division, and the after drafts, in the town of Poultney aforesaid, of Zimri Allen, of Salisbury, in the county of Litchfield, and State of Connecticut: and that the said Ashley had a deed of conveyance from the said Allen; but that the said deed was not recorded. And whereas, said deed was taken from said Ashley, by the enemy, at, or about, the time of the evacuation of Ticonderoga. And whereas, it appears that said Ashley has never since been able to recover said deed: whereupon said Ashley prays for this Assembly to confirm him in the title of said land. Therefore,

Be it enacted, &c. that the said John Ashley be, and hereby is confirmed in his title to said right of land in as full and ample a manner as though said deed had never been lost; and this act being recorded in the town clerk's office in the town where said land lieth, shall be deemed a good, sufficient and lawful tittle thereto.

AN ACT for the purpose of raising one hundred able, effective men to assist the civil authority in carrying into execution the law, in the southern part of the county of Windham.

Whereas, a number of persons, living in the southern part of the county of Windham, to the great disturbance of the peace, have banded together to oppose sheriffs, constables and collectors, in the due execution of their offices; and in many instances proceeded to outrageous abuses, which threaten the ruin of government, unless speedily remedied.

Which evil to prevent,

Be it enacted, &c. that there be immediately raised one hundred able, effective men, and stationed in the southerly part of the county of Windham, under the command of Colonel Benjamin Wait, to assist the officers of government in carrying into execution the laws of the State. That said men be officered with one colonel, and one major, and be divided into two companies, to consist each, of one captain, one lieutenant, and one ensign, four serjeants, four corporals, one drummer, one fifer, and fifty rank and file: and that colonel Wait be requested to nominate the officers, and his Excellency the Captain-General to commissionate, them for the purpose aforesaid; and that they be inlisted for six months, unless sooner discharged: and that the officer commanding said troops, with the advice of the honorable Brigadier-General Samuel Fletcher, be impowered to discharge said troops when they shall have effected the purposes aforesaid.

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* Most of the charters granted under the authority of Vermont, previous to the close of the revolutionary war, contained the following condition, viz.—

"That each proprietor of the township of —— aforesaid, his heirs or assigns shall plant and cultivate, five acres of land, and build an house, at least eighteen feet square on the floor, or have one family settled, on each respective right, within the term of three years next after the circumstances of the war will admit of a settlement with safety; on penalty of the forfeiture of each right of land in said township not so improved or settled, and the same to revert to the freemen of this State."

And be it further enacted, that the commissary-general be, and hereby is directed, to furnish said troops, while in service, with ammunition, provision and spirituous liquor, as heretofore allowed to the troops of this State.

And be it further enacted, that the pay of said troops, upon their furnishing themselves with arms, shall be per month, as follows, viz:—

	£.	s.	d.		£.	s.	d.
Colonel, - -	20	0	0	Serjeants, - - -	3	10	0
Major, - -	13	0	0	Corporal, - -	3	5	0
Captain, - -	10	0	0	Drummer & fifer,	3	5	0
Subalterns -	7	0	0	Private, - - -	3	0	0

And for every less quantity of time, while in service, in the same proportion.

AN ACT for the regulation of Fees.

Whereas, the fees heretofore granted to the officers of government, have been found, by experience, in some instances, to be inadequate to, and in others more than a sufficient reward for, the services they were intended to compensate:

Be it therefore enacted, &c. that the fees to be taken by the several officers of this State, herein after mentioned, so far as the same are particularly enumerated, be as follows, viz:—

Fees for the Lieutenant Governor.

	£	s.	d.
For attending the Council, per day, - -	0	15	0
Travel, per mile, out, - - - - -	0	0	4

Councillors' Fees.

	£	s.	d.
For attending Council, per day, - - -	0	7	0
Travel, per mile, out, - - - - -	0	0	4

Representatives' Fees.

	£	s.	d.
For attending the General Assembly, per day,	0	6	0
The speaker of the General Assembly, per day,	0	10	0
The clerk of the General Assembly, per day,	0	10	0
Travel, per mile, out, - - - - -	0	0	4

Supreme Court's Fees.

Chief judge, while on the circuits, per day,	0	18	0
Assistant judge, while on the circuits, per day,	0	15	0
To the jury for each action tried,	1	4	0
And there shall be paid into the clerk's hands for the benefit of the judges attending, for each action tried,	0	15	0
And for each default or confession,	0	6	0

Clerk of Supreme Court's Fees.

For each days attendance on the court, while on the circuits,	0	10	0
Entering each action for trial,	0	2	0
Entering each judgment by default or confession,	0	2	6
Recording each judgment on demurrer and after verdict,	0	4	6
Taking each recognizance in court,	0	1	0
Filing each recognizance, testimony, and other necessary papers,	0	0	6
Every rule of Court,	0	0	9
Every execution,	0	1	6
Copies of each paper, so much as shall be taxed by the court, according to the length.			
For other services, not herein particularly mentioned, such sum as shall be allowed by the court.			

County Court's Fees.

Chief judge, while sitting, per day,	0	12	0
Assistant judges each, per day,	0	9	0
Travel per mile, out,	0	0	4
To the jury, for each action tried,	0	18	0
And there shall be paid to the clerk, for the benefit of the county treasury, for each action tried,	0	10	0
For each default or confession,	0	4	0
And for licence to each tavern-keeper, (whereof to the clerk two shillings,)	0	6	0

Clerk of County Court's Fees.

Entering each action,	0	1	0
Entering each judgment by default or confession,	0	1	6
Recording each judgment on demurrer and after verdict,	0	3	0
Filing each recognizance, testimony, and other necessary paper,	0	0	4
Taking each recognizance in court,	0	1	0
Entering the common rule in ejectment,	0	1	6
Every other rule or order of court,	0	0	6
Every execution,	0	1	6
Copies of each paper, such sum as shall be allowed by the court, according to the length.			

For attachments, summones, and other services proper to him, as in the justices' fees.
For other services, not herein particularly enumerated, such sum as shall be allowed by the court.

Justice's Fees.

For drawing a writ on a note not negotiated,	0	1	0
Other writs in proportion to their length and difficulty.			
Signing attachments or summonses, each,	0	0	6
When bond is given,	0	0	9
Subpœna, for each witness,	0	0	4
For judgment, in each action tried,	0	2	6
If on the verdict of a jury,	0	5	0
Every execution,	0	1	6
Each continuance,	0	1	0
Every warrant for criminals,	0	1	0
Every appeal and recognizance,	0	2	0
Copy of each evidence,	0	0	6
Copy of judgment,	0	0	8
Recognizance,	0	1	0
Each venire for a jury,	0	1	0
Judgment on confession or default,	0	1	0
Affidavits taken out of court,	0	1	0
Taking the acknowledgment of a deed, &c.	0	0	7

Judge of Probate's Fees.

For granting administration,	0	2	0
If the inventory exceed £50,	0	3	0
Receiving and proving each will, where the inventory does not exceed £50,	0	2	0
If the inventory exceeds £50,	0	3	0
Allowing of accounts, settling and dividing intestate estates,	0	5	0
Every necessary order or rule,	0	1	0
Appointment of persons to inventory and appraise an estate,	0	1	6
Appointing committee to set off a widow's dower,	0	1	6
Appointing guardians,	0	2	0

Clerk of Court of Probate's Fees.

For drawing and filing administration bond,	0	2	0
Each letter of administration,	0	1	6
Drawing probate of a will, where the inventory does not exceed £50,	0	2	0
Where it does exceed £50,	0	2	6
Recording or copying a will, inventory, or other necessary paper, for each hundred words,	0	0	5
Every citation,	0	0	9
Every quietus or acquittance,	0	2	6

Making out a commission to receive and examine the claims of creditors to insolvent estates,	0	2	0
Registering the same,	0	1	0
Entering an order upon the administrator to pay out the estate, in proportion, unto the several creditors returned by the commissioners,	0	1	6
Entering every other necessary order or rule,	0	0	6
Drawing and filing every guardian bond,	0	2	0
For every other necessary service, not herein particularly mentioned, such sum as shall be allowed by the judge.			

Secretary of State's Fees.

For recording laws in the State records, for every hundred words,	0	0	5
For receiving and filing each petition of a private nature,	0	0	8
For receiving and filing each petition for land,	0	1	0
For copies of laws, petitions, &c., for each hundred words,	0	0	5
For each citation between party and party,	0	1	0
And there shall be paid to the Secretary, for the use of the treasury, on the filing of each petition between party and party, to be determined by the Assembly,	1	0	0
For drawing, attesting and registering each charter of incorporation,	1	0	0
For attending the General Assembly, for each day,	0	10	0
Travel, per mile, out,	0	0	4

Secretary of the Council's Fees.

For each military commission, he finding blanks,	0	1	6
Each commission for judges of the supreme court,	0	3	0
Each commission for the justices of a county,	0	4	6
For each commission for judges of county and probate courts,	0	2	0
Every order of Council for the benefit of particular persons,	0	1	0
Affixing the State seal, each time,	0	1	6
Attending Council, per day,	0	7	0
Travel, per mile, out,	0	0	4

Town Clerk's Fees.

For recording a deed,	0	1	2
For the copy of a deed,	0	1	2
Recording a survey bill,	0	0	6
Recording a marriage, birth or death,	0	0	3
Recording each mark,	0	0	6

Attorney's Fees.

In taxing bills of cost, the party recovering to be allowed for attorney's fees, at county courts, in litigated suits,	0	10	0
In cases not litigated,	0	3	0
In the supreme court, in litigated suits,	0	12	0
In cases not litigated,	0	4	0
In the Assembly,	0	12	0
For drawing a writ on a note of hand, not negotiated,	0	1	0
For other writs such sum, as shall be allowed by the court, in proportion to their length and difficulty.			
To the State's attorney, for prosecuting each criminal action to effect, such sum as shall be allowed by the court, not exceeding	1	10	0

Post Wages.

For man, horse, and expenses, each mile out, if not across the green mountain,	0	0	4
If across the green mountain,	0	0	6

Sheriff's, Constable's, Plaintiff's, Defendant's, Witnesses and Juror's Fees.

Serving every process, on each defendant, by reading,	0	0	4
If by copy,	0	1	0
Bail bond, (if taken.)	0	1	0
For levying each execution, to be one shilling for one pound, or under, and three pence on the pound, for every pound above.			
For each days attendance upon the appraisement or sale of estate taken in execution,	0	2	0
For attending on a justice's court, when obliged to attend, for each action tried,	0	2	0
Each mile's actual travel,	0	0	4
Sheriffs attending the General Assembly, supreme or county courts, per day,	0	6	0
Constable for the like service, per day,	0	4	6
Fees for plaintiff or defendant attending any court, per day,	0	2	0
Witnesses for attending any court, per day,	0	3	0
For attending a justice's court half a day,	0	2	0
Travel for plaintiff, defendant, or evidence, in any court, per mile,	0	0	3
Plaintiff or defendant living out of the State, for crossing the line of the State,	0	6	0
Fees for freeholders summoned to assess the damages sustained in laying out highways, shall be for each freeholder per day,	0	3	0
The sheriff attending on such freeholders, per day,	0	4	0

Jury for a justice's court, for each action tried, (in civil causes to be advanced by the party praying jury, before the issuing a venire,)	0	9	0

Brander and Recorder of Horses Fees.

For branding and recording every horse kind,	0	0	6
For each copy of record,	0	0	6

Goaler's Fees.

For commitment of a prisoner,	0	2	0
For discharge of a prisoner,	0	2	0
For dieting a prisoner, per week,	0	5	0

County Surveyor's Fees.

For himself and horse, per day, beside expenses,	0	6	0

Sheriff's and Constable's assistant's Fees.

For each man that attends the sheriff or constable, per day,	0	4	0

Grand Juror's Fees.

For each days attendance at the supreme or county court, for each grand juror,	0	4	6
And four pence per mile travel from their respective dwelling-houses to the court,	0	0	4

Fees for Agents to Congress.

For each days service, (exclusive of expenses) finding their own horses,	0	10	0

Fees for Auditors of Accounts and Committee for Revising the Laws.

For each days service, (they bearing their own expenses,)	0	10	0
Each mile's travel,	0	0	4

Collector's Fees.

Collectors of taxes to be allowed the like fees as sheriffs in cases of execution.

Committee of Pay-table, per day,	0	7	0
Travel, per mile, out,	0	0	4

AN ACT further to continue the Laws passed by the Legislature of this State.

Be it enacted, &c. that each and every law and statute of this State (except those statutes, and parts of statutes, which have been repealed by special act of Assembly, or are expired by their own express limitation,) shall be and remain in full force and virtue, until the rising of the General Assembly, in October next.

LAWS PASSED AT BENNINGTON,

FEBRUARY SESSION, 1784.

AN ACT against high Treason and misprison of Treason.

Be it enacted, &c. that if any person or persons belonging to, or residing within, this State, and under the protection of its laws, shall levy war against this State, or the government thereof; or knowingly and willingly shall aid or assist any enemies at open war against this State, by joining their armies, or by inlisting, or procuring others to inlist into such armies; or by furnishing such enemies with arms, ammunition, provisions, or other articles for their aid and comfort, or by carrying on a treacherous correspondence with them; or shall form, or be any way concerned in forming, any combination, plot, or conspiracy, for the betraying this State into the hands or possession of any enemy, state or power; or shall give, or attempt to give, or send, any intelligence to any state or power for that purpose; or shall conspire or attempt any invasion, insurrection, or public rebellion, against this State: every person so offending, and being thereof convicted before the supreme court, shall suffer death; and all his or their estate or estates, real and personal, shall be forfeited and sold to and for the use of this State.

And be it further enacted, that if any person or persons, belonging to, or residing within, this State, and under the protection of its laws, shall endeavor to join the enemies of this State, or use their influence to persuade or induce any person or persons to join, aid, comfort, or assist them in any way or manner whatsoever; or shall have knowledge of any person or persons endeavoring or using their influence as aforesaid, or shall have knowledge of any person or persons secretly conspiring or attempting any invasion, insurrection, or public rebellion against this State, or forming any secret combination, plot, or conspiracy, for betraying this State into the hands of any other power, and shall conceal the same; such person or persons, being duly convicted thereof before the supreme court of this State, shall be punished by fine, according to the nature and aggravation of the offence, and shall be imprisoned at the discretion of the said court, not exceeding ten years.

AN ACT for regulating of Marriages, and for preventing and punishing Incest, and incestuous Marriages.

Forasmuch, as the ordinance of marriage is honorable in all; and it being proper that the solemnization of it should be in such a decent and orderly manner as will best contribute to the happiness of families, and peace of society: Therefore,

Be it enacted, &c. that no person shall be joined in marriage before the intention of the parties has been published by the minister or town clerk, in some public meeting or meetings for religious purposes, in the town, society, or parish, where the parties do ordinarily reside; or such purpose or intention be posted, in fair writing, at some public place in each of the towns, there to stand so that it may be read, at least eight days before such marriage.

That no persons whatsoever in this State, other than councillors, judges of the county courts, or justices of the peace within their respective counties, or ordained ministers of the gospel within the town and society wherein they respectively dwell, and while they continue in the exercise of the ministry, shall solemnize any marriage.

Nor shall any of the persons before mentioned presume to marry any man and woman, before he is certified that such intention of the parties has been published as aforesaid, or before such magistrate or minister is certified of the consent of the parents or guardians (if any there be) of such parties, on pain of forfeiting for every offence, the sum of twenty pounds; one moiety to him or them who shall complain of and prosecute the same to effect, and the other moiety to the treasury of the county where the offence shall be committed.

And if any person or persons shall presume to deface or pull down any such publishment, set up in writing as aforesaid, before the expiration of eight days after the time of its being set up; every such person or persons shall be fined the sum of forty shillings, or be set in the stocks one whole hour.

And every person, herein before empowered to join persons in matrimony, shall keep a fair register of each marriage by them respectively solemnized, which may be given in evidence in any court of record in this State.

Be it further enacted, that no man shall marry any woman within the degrees of kindred herein after named, that is to say;—no man shall marry his grand-father's wife, wife's grand-mother, father's sister, mother's sister, father's brother's wife, mother's brother's wife, wife's father's sister, wife's mother's sister, father's wife, wife's mother, daughter, wife's daughter, son's wife, sister, brother's wife, wife's sister, son's daughter, daughter's daughter, son's son's wife, daughter's son's wife, wife's son's daughter, wife's daughter's daughter, brother's daughter, sister's daughter, brother's son's wife, sister's son's wife.

And if any man shall hereafter marry any woman, who is within the degrees before mentioned in this act, every such marriage shall be, and is hereby declared to be, null and void. And all children which shall hereafter be born of such incestuous marriage, shall be for ever disabled to inherit by descent, or by being generally named in any deed or will, by father or mother.

That every man and woman who shall marry, or carnally know each other, being within any of the degrees before mentioned in this act, or being so married shall continue to dwell in the same house at any time after the space of forty days after the publication hereof, and be convicted thereof before the supreme court; such persons shall suffer the like punishment as is directed to be inflicted in case of adultery, except that instead of the letter A to be worn by an adulterer, the capital letter I shall be worn by such incestuous person.

AN ACT in addition to, and alteration of, "An Act regulating civil Actions."

Whereas, according to said act, people living out of this State may sue persons living in this State, in any part of this State; and people living in this State, may sue their neighbors before a justice of the peace to the extreme part of the county in which they live:

Which mischief to prevent,

Be it enacted, &c. that no action shall be commenced, by any person living out of this State, before any superior or county court, except in the county where the defendant lives; and before any justice of peace, except in the county where the defendant lives; and before any justice of peace, except in the town where the defendant dwells, if there be a justice of the peace in such town, and no legal objection against him: and where there be no justice of the peace, or any legal objection against him, then the action may be tried by the justice in one of the adjoining towns.

And be it further enacted, that no other action shall be maintained by any person before a justice of the peace, except in the town where the plaintiff or defendant dwells.

Be it further enacted, that this act be not considered to effect any actions commenced or writs issued before the passing this act.

AN ACT concerning Sureties and Scire Facias's.

Be it enacted, &c. that whenever any person or persons, not being freeholders in this State, shall apply to any person having authority to issue writs; f[illegible]ny process whatsoever, to bring or summon any person or persons, to answer before any court in this State, there shall be a sufficient security given to the defendant or defendants, by way of recognizance, to the satisfaction of the authority signing such process, before the signing thereof, that the plaintiff or plaintiffs, shall prosecute his, her, or their, writ to effect, and shall answer all damages if a judgment shall be rendered against him, her, or them. A minute of which recognizance, with the name of the surety or sureties, and the sum in which they are bound, shall be made upon the said writ at the time of the signing thereof: and if any writ be otherwise issued, the same shall abate.

Be it further enacted, that no special warrant, to apprehend the body of any person, shall be granted by any magistrate, before the person praying out such warrant has given sufficient surety or sureties, to the acceptance of such magistrate, by way of recognizance, to the person complained of, that such person requesting the warrant will prosecute his complaint to effect, and answer all damages if he does not support it; a minute of which recognizance shall be made as is herein before directed in civil causes: and if any warrant shall otherwise issue, the prisoner shall be discharged from the same, and recover his costs against the complainer.

Provided, that an informing officer shall not be obliged to give such surety in the prosecution of criminals or delinquents.

Be it further enacted, that bail may be taken by any person serving an attachment, causing the surety or sureties to endorse his or their names or marks on the precepts; by virtue whereof the surety or sureties shall be holden to satisfy the judgment, in case the return of *non est inventus* be legally made on the execution, unless just cause shall be shewn to the contrary at the return of a writ of *scire facias*, to be issued against such surety or sureties, by the creditor or creditors, within one year from the time of rendering the original judgment, or unless the surety or sureties shall render the body of the principal into court before entering the judgment upon the scire facias, (an officer being present) shall pay the costs upon the scire facias, and move to be discharged; in which case the court shall direct an officer to receive the principal into custody, that his body may be taken in execution: and it shall be lawful for such officer to detain the principal so long as the court shall direct, not exceeding twenty days from the rising of the court.

And in case a writ of scire facias against the bail, issued within one year from the time of rendering the original judgment, shall be returned scire feci, and no just cause shewn to the contrary, or the principal rendered as aforesaid, judgment shall be given for the original debt or damages, and costs, with the additional costs of suit, and execution shall issue accordingly: and that no suit shall be prosecuted against any officer, or other person, taking bail in manner aforesaid, where the bail shall be sufficient.

And every surety, of whom such recovery is had, or who shall otherwise sustain damages by being bail, shall have right to recover all such damages as he shall so sustain against the principal.

Provided, that nothing herein contained shall be construed to prevent the bail from delivering the principal into court, before or during the term in which the original judgment shall be entered, in discharge of him or themselves.

And be it further enacted, that when any officer, or other person serving an attachment or replevin, shall take insufficient bail in the action, he shall be liable to answer all damages to the creditor or creditors, his or their executors, administrators, or assigns; who may recover the same against the person taking such insufficient bail, his heirs, executors, or administrators, in a special action on the case, to be brought for that purpose.

And be it further enacted, that when any justice of the peace shall have rendered judgment in any cause, on confession or otherwise, and before execution shall be granted thereon, shall die, or be otherwise removed, the party recovering such judgment, shall have right to a scire facias, returnable at the county court of the county in which such judgment was had, against the defendant or defendants; and upon producing to the said county court the record of the said judgment, or a copy attested by the justice so removed, shall recover a judgment for such sum as shall appear to be unpaid, and for all additional costs; and execution shall issue accordingly.

AN ACT directing the form of passing Laws.

Be it enacted, &c. that when the Governor and Council shall lay any bill before the General Assembly, and the same shall be passed by the Assembly without amendment, the Council shall be informed thereof by a written message; and the same shall be considered and recorded as a law of this State.

That when a bill shall originate in, and be agreed to by, the Assembly, it shall be sent to the Governor and Council for their perusal and proposals of amendment; and if no amendment shall be by them proposed within three days, or before the adjournment or rising of the Legislature, the said bill shall be returned to the Assembly, and passed into and recorded as a law. And if amendments shall be proposed to any bill, and the Assembly concur therein, the Council shall be informed thereof by a written message; and the said bill shall then be a law. But if all or a part of the proposed amendments shall not be concurred in by the Assembly (the reasons for which amendments shall be given verbally, or in writing) the bill shall be returned to the Council, and the reasons of such non-concurrence be given, either verbally or in writing, that the Council may, if they shall think proper, proceed further thereon. And if the Council shall not, within three days, or before the rising of the Legislature, propose further amendments which shall be agreed to by the Assembly, the said bill shall be returned to the Assembly, and considered and recorded as a law.

And be it further enacted, that if it shall so happen that the Council and Assembly cannot separately agree upon a bill, when amendments shall be so proposed as aforesaid, they shall meet in grand committee, in order that the wisdom of both Houses may be properly obtained; after the dissolution of which committee, the Assembly shall take them into consideration, and proceed as is above mentioned.

And be it further enacted, that all bills remaining with the Council at the rising or adjournment of the Legislature, at every sitting thereof, shall by the Council be delivered to the Secretary of the State.

AN ACT allowing the scales of depreciation in other States, for the settlement of debts contracted in those States.

Whereas, divers obligations, for continental money, are brought from different parts of the United States of America, into this State for payment; and as the settling such obligations, according to the scale of depreciation established by this State, appears to be very injurious to the debtor. For remedy whereof,

Be it enacted, &c. that when, and so often as any obligation for continental money shall be brought from any of the United States of America into this State, for settlement, the several courts, before whom suits for such obligations may be depending, shall render judgment on such obligations, according to the scale of depreciation of the State in which such contract was made.

AN ACT to supend the trial of the Titles of Lands for the time therein limited.

Whereas, at the time of the first settlement of the inhabitants of this State, there was a diversity of titles held up to view, and many of the good people of this State have purchased titles which were viewed by them to be good at the time of purchase, and they have settled on the lands under such titles, and made large improvements, which, if the strict rules of law are attended to, others who have neglected the settlement of the said lands will enjoy the fruits of their labors. And whereas, the Legislature are determined, as soon as can be consistent with the constitution, to make such regulations as will do equal justice to the settlers and the claimers. Therefore,

Be it enacted, &c. that the trial of all titles of land within this State be, and is hereby suspended until the rising of the Assembly, in October next; except where two persons or parties claim lands under different charters from the same authority.

AN ACT to set aside and render null and void in law a certain order therein mentioned.

Whereas, William Parker of Shaftsbury, in the county of Bennington, on the ninth day of September, 1779, before the honorable Moses Robinson, Esq., one of the assistants, pursuant to the appraisement of John Warner, Joseph Safford and Nathaniel Spencer, freeholders, summoned and sworn to appraise a certain damage complained of by said Parker, against the select-men of the town of Shaftsbury, in laying a road or highway through said Parker's farm, recovered by the order of said assistant and freeholders against said select-men, the sum of three hundred and sixty-seven pounds ten shillings, continental currency, and cost. And whereas, by attentive evidence, it appears an allowance for highway, in the laying out and original survey of said Parker's farm was allowed; which makes it unjust said order or determination of said assistant and freeholders should be of any force or validity in law.

Therefore,

Be it enacted, &c. that the order and determination of Moses Robinson, Esq., assistant, made on the ninth day of September, 1779, between William Parker and the select-men of the town of Shaftsbury, and the appraisment of the freeholders respecting the premises, as above related, be and hereby is declared to be null and void in law, and incapable of being given in evidence in any court of law or equity within this State, to support any action thereon; any law, usage or custom to the contrary notwithstanding.

And be it further enacted, that the said William Parker shall have liberty to proceed in like manner for recovery of any damages he may have sustained by laying said highway through his farm, as he might have done before the making of the said order; and that all the costs which have arisen in making the aforesaid order and the judgment thereon rendered, and also the costs which have accrued in the county court in an action commenced upon the said order or judgment, shall be be determined by the event of the suit or proceedings to be hereafter had.

AN ACT to stay an execution, and grant a sum of money for the purpose of paying and satisfying the said execution.

Be it enacted, &c. that the execution issued at the suit of Jonas Clark, of Boston, by the supreme court of this State, against Leonard Spaulding and Timothy Underwood, be and hereby is stayed for the term of three months from the time of the passing of this act; and if the said execution be already levied on the goods, chattels, lands, body or bodies, of the said Leonard or Timothy, and be now in the hands of the officers or any other person or persons whatsoever, such officer, person or persons, are hereby required and commanded immediately, on being made acquainted with this act, to deliver the same to him or them who were the proper owners, and the body or bodies of him or them to release.

And be it further enacted, that the treasurer of this State be, and he hereby is directed to pay as soon as may be, for the purpose of paying and satisfying the aforesaid execution, the sum of forty pounds, eleven shillings and four pence. *Provided*, the aforesaid Spaulding and Underwood (previous to taking benefit of this act) become bound with sufficient sureties to the State's attorney in the county of Windham, to be accountable for the avails of the farm which occasioned the aforesaid suit, and satisfy the sheriff or officer for the cost that was already accrued on said execution.

AN ACT for establishing Post-Offices within this State.

Whereas, the business of promulgating the laws, conveying timely notice to the freemen of the State, of all proprietary proceedings, and other matters of importance to the public, can, in no other way, be effected so extensively and attended with so small expense, as by the appointment of regular posts for the purpose of conveying the same to the parts of this State.

Be it enacted, &c. that there be five post-offices established within this State; one in Bennington, one in Rutland, one in Brattleborough, one in Windsor, and one in Newbury, under such regulations as are established for the government of the post-offices in the United States. That the post-rider from Bennington to Brattleborough be allowed three pence per mile, travel, and those on each of the other routs, two pence per mile: and that the post-masters be directed to keep a regular account of all profits and emoluments arising out of this measure, and exhibit the same to his Excellency the Governor, and the Honorable Council of this State when requested.

And be it further enacted, that, until the further order of this Legislature, the post-riders from the several offices shall be entitled to an exclusive right of carriage, and enjoy the advantage of the fees arising from the carriage of letters and packets of every kind; and that the rate of postage be the same as in the United States.

And be it further enacted, that no person presume to ride on either of the routs of such established posts, for the purpose of carrying letters, packets or other matters, particularly within the province of such established posts to carry, on penalty of paying the sum of £10 to and for the use of any post-master who shall prosecute the same to effect, for every such offence.

And be it further enacted, that his Excellency the Governor and such other persons as the Legislature shall, in future, authorise, shall have authority, to frank any letters or packets; for which letters or packets no postage shall be demanded.

AN ACT to enable the Governor and Council to pardon certain persons therein described.

Whereas, certain persons in the county of Windham have traiterously taken up arms against, and otherwise opposed, the authority of this State; and it being suggested that many of such persons are penitent and desirous of returning to their duty, and that, probably, during the recess of this House, some, or all of them will petition for the pardon of their said offences.

Be it therefore enacted, &c. that his Excellency the Governor and the Honorable the Council be and hereby are invested with the same power and authority possessed by this House, upon application made to them, during the recess of the Legislature, upon such conditions as to them shall appear necessary and just, to pardon any of the inhabitants of Windham county, who have heretofore professed themselves subjects of the State of New-York.

AN ACT to reverse the several Judgments therein mentioned.

Whereas, Joshua Prouty, late of Leominster, deceased, in his life time, obtained a note for money against Richard Prouty, and a note against Elijah Prouty, and a note against John Pike, and died in the year one thousand seven hundred and seventy-eight: and whereas suits on the said notes were commenced before John Barrett, Esquire, justice of the the peace within and for the county of Windsor, after the death, and in the name, of the said Joshua Prouty, and judgment was rendered by the said Justice Barrett on the ninth day of August last, in favor of the said Joshua deceased, on the said several suits against the said Richard Prouty, Elijah Prouty and John Pike.

And whereas, the said Richard Prouty is the legal administrator to the said Joshua Prouty, and is greatly hindered from administering the estate of the said Joshua, by means of the rendering the said judgments.

Be it therefore enacted, &c. that the said several judgments, so rendered as aforesaid, are hereby reversed and declared null and void.

LAWS PASSED AT RUTLAND,

OCTOBER SESSION, 1784.

AN ACT appointing Commissioners to make reprisal in a case therein mentioned.

Whereas, Micah Townsend, of Brattleborough, in Windham county, Esquire, has represented and proved to the satisfaction of this House, that he has been arrested in the State of New-York, by Seth Smith, of said State, in an action of trespass, wherein the said Seth states his damages at one thousand pounds—that the said Micah was obliged to give bail in the said suit, in the sum of two thousand pounds, for his appearance at court—and that the said suit was commenced and prosecuted against the aforesaid Micah, solely for his acting in the line of his duty, as an officer and subject of this State: and whereas, this Legislature view themselves bound, by every tie of honour and justice, to protect and indemnify the subjects and officers of the State while acting agreeable to their duty:

Be it therefore enacted, &c. that Briant Brown, Stephen Jacob, and Benjamin Wait, Esquires, of Windsor, in the county of Windsor, be, and hereby are, appointed commissioners to make seizure of so much of the lands owned by any one or more of the subjects of the State of New-York, lying within this State, as will raise the sum of one thousand five hundred pounds, lawful money, in specie, when sold at public vendue.

That it is hereby declared to be the duty of said commissioners, or a majority of them, to make such seizure or seizures, as soon as may be after the passing of this act, and to cause to be recorded a certificate or certificates thereof, together with a copy of this act, in the office or offices directed by law for recording deeds; and to give notice of such seizures to all persons concerned, by publishing the same in one or more of the newspapers, printed in the State of New-York, if the presses of that State are open to the said advertisement: which seizure or seizures, (if no deed from the person or persons whom the commissioners shall suppose to own such land, shall have been entered on record in the office where, by law, such deed is to be recorded, previous to such seizure) shall operate in such manner as to prevent any alienation or record of the sale of such lands, thereafter to be made, by the owner, or in any proper office, at such owner's request, while the said land shall continue under the incumbrance of such seizure.

And be it further enacted, that, as soon as the court before whom such suit is or shall be depending in the State of New-York, between the said Seth Smith, and Micah Townsend, shall have rendered judgment, the commissioners before named, or a majority of them, or the survivors or survivor of them, are hereby expressly required, after giving at least fourteen days public notice in all the newspapers of this State, to sell at vendue, for specie, to the highest bidder, (without any credit to be given the purchaser or purchasers) so much of the land by them seized, as will satisfy the said judgment, if the same shall be rendered against the said Micah in the aforesaid suit; and also, such bill as any one of the judges of the supreme court of this State shall allow to the said Micah, for the expenses, disbursements, charges, trouble and time, of the said Micah, in defending the said suit, and for the costs and charges of the commissioners in carrying this act into execution; and also, such further sum as the said judge shall allow to the said Micah, as a recompence for being unjustly sued, and for the risque he ran of being confined in goal at so great a distance from his family: and the same shall pay to the said Micah, his executors, administrators, or assigns, upon demand: and a deed from the said commissioners, or a majority of them, or the survivors or survivor of them, shall be equally good in law to the purchaser, his heirs and assigns, as a deed from the proper owner or owners of such land would be if the same was not under the incumbrances of such seizure.

And be it further enacted, that if it shall happen that the said Seth shall discontinue his said suit, or become non-suit therein, or that a judgment shall be rendered for the said Micah, against the said Seth, upon the trial of the same cause, that then the said commissioners shall only sell for, and pay to the said Micah, such bill for expenses, trouble, time and recompence, to be allowed as aforesaid, and for the costs of the commissioners, (deducting such costs as shall be recovered by the said Micah against the said Seth.)

AN ACT to establish a Society, by the name of *The First Medical Society in Vermont.*

Whereas, it is matter of the greatest importance to the inhabitants of this State, that the professors of the medical art should receive all proper encouragement, to excite them to improve and to acquire a thorough acquaintance with a science, so interesting to those who may be in distress through indisposition of body and limbs: and whereas, it appears by a petition, signed Jonas Fay and Lewis Beebe, in behalf of themselves and a number of gentlemen physicians and surgeons, in the counties of Bennington and Rutland, and parts adjacent, to wit, Nathaniel Dickinson, Seth Alden, Samuel Huntington, Elisha Baker, Lemuel Chipman, William Johnston, William Gould, Aaron Hastings, Zina Hitchcock, Silas Holbrook, William Woolcott, Ezra Baker, Ebenezer Tolman, Ezekiel Porter, aud Jacob Roeback, did, on the 19th day of August, 1784, form themselves into a medical association, and formed a constitution for the government thereof; and by their petition, dated the 10th day of September following, prayed the Legislature of this State to patronize and establish the same: Therefore,

Be it enacted, &c. that the following physicians and surgeons, in the counties of Bennington and Rutland, and parts adjacent, to wit,—Jonas Fay, Lewis Beebe, Nathaniel Dickinson, Seth Alden, Samuel Huntington, Elisha Baker, Lemuel Chipman, William Johnston, William Gould, Aaron Hastings, Zina Hitchcock, Silas Holbrook, William Woolcott, Ezra Baker, Ebenezer Tolman, Ezekiel Porter, and Jacob Roeback, be, and they are hereby incorporated and constituted a body corporate and politic in law, by the name of *The First Medical Society in Vermont*,—capable of suing and defending, by their agent or attorney, in any court of law or equity, for the recovery and defence of their common rights and interests; and they shall be capable of taking, by gift, grant, or devise, for the purpose of procuring and maintaining a library, and such instruments and apparatus as shall by said Society be thought best, for making experiments in their art, and for any other purposes that shall be found conducive to the encouragement and improvement of the healing art.

And be it further enacted, that the said society be, and is hereby vested with full power to elect annually (by ballot) a president, secretary, and two or more censors; and the said Society is hereby further authorised and empowered, to call any of its members to account for any dishonourable conduct, relative to the medical profession, and punish the same, (if necessary) by suspension, admonition, or expulsion; and to make laws, rules, and regulations, for the governing the said Society, and its several members.

And be it further enacted, that said Society be, and is hereby vested with power to judge and determine with regard to the qualifications of such person or persons as shall offer themselves for examination: and any person or persons, who shall hereafter be admitted as members of said society, shall be entitled to all and singular the benefits and privileges that those enjoy whose names are mentioned in this act.

And be it further enacted, that said Society be authorised and empowered to appoint and determine the times and places of their stated or adjourned meetings, as to them shall appear necessary, for the purposes mentioned in this act.

AN ACT to suspend trying the Title of Lands.

Be it enacted, &c. that the several courts of law in this State, be, and hereby are prohibited trying the title of land within this State, until the rising of the General Assembly in June next; except in such cases where the parties mutually agree otherwise: and that no writs of seisin be issued, or renewed, by the clerks of the several courts, until the time aforesaid: and that such writs as are already issued, be stayed for the said time.

AN ACT to suspend prosecutions against Joseph Farnsworth, Esquire.

Be it enacted, &c. that no action shall be commenced, prosecuted, or proceeded in, against Joseph Farnsworth, Esquire, commissary-general of purchases, for contracts made by him in his public capacity, as commissary, until the rising of the Legislature in October next.

AN ACT pardoning —— ——, Esq. of Marlborough, in the county of Windham, and restoring to him all his estate, real and personal.

Whereas, —— ——, Esq. of Marlborough, in the county of Windham, has preferred his petition to this Assembly, setting forth that, by sentence of the supreme court, holen at Westminster, within and for the county of Windham aforesaid, on the second Tuesday of February, Anno Domini, one thousand seven hundred and eighty-four, he was attainted of treason against this State; by reason of which sentence, all the estate, real and personal, of the said —— ——, Esq. was confiscated to, and seized for the use of, this State; and praying pardon and a resititution of his said estate: and whereas, many matters appear which recommend the said —— ——, Esq. to the mercy of this Legislature, and this Legislature ever willing to extend mercy where the ends of government may be as well answered thereby: therefore,

Be it enacted, &c. that there be, and hereby is, granted to the said —— ——, Esq. a full and free pardon of said attainder, and all and singular the consequences thereof; and that all the estate of the said —— ——, Esq. both real and personal, confiscated by said sentence and attainder, be, and the same is hereby restored to the said —— ——, Esq., except so much of said estate as hath already been sold and disposed to the use of this State.

And be it further enacted, that the said —— ——, Esq. shall not be entitled to any of the benefits and privileges, or immunities, granted by this act, until he shall have paid to the treasury of this State, the sum of thirty-five pounds, lawful money, to indemnify this State for costs that have accrued in prosecuting the said —— ——, Esq.

Be it further enacted, that the treasurer be, and is hereby directed to receive an obligation from the said —— ——, Esq. for the said thirty-five pounds, to be paid in hard money, within six months, with interest; and also, to receive from the said —— a certain note given by Oliver Waters and others, to Elisha Porter, Esquire, sheriff of the county of Hampshire, for about fifteen pounds, and also a note given by said Waters and others, to Charles Phelps, of Hadley, for about six pounds, lawful money, and indorse the same on the said thirty-five pound note; and when the said two notes are received by the treasurer, and indorsed as aforesaid, then the said —— ——, Esq. shall be fully and amply intitled to all the benefits proposed or provided in this act, and have right to receive, hold, and enjoy, all his estate, both real and personal, as is intended by this act.

AN ACT granting to the several persons therein named, a free pardon for the several crimes herein described.

Be it enacted, &c. that a free pardon be, and is hereby, granted to the persons herein named, for all crimes heretofore committed in opposing the authority of this State, to wit:—

[Here follow the names of twenty-six persons, viz: *seven* from Brattleborough, *eighteen* from Guilford, and *one* from Marlborough. We have thought proper to omit these names, for the reason stated in the note, page 355.]

And be it further enacted, that all the property, real and personal, of each and every person, before named, which hath been adjudged forfeit to this State, or hath been seized or taken by the authority of the same, and not disposed of, be returned to the before named persons.

Provided always, that neither of the aforementioned persons shall be intitled to any of the benefits of this act, who shall not appear before some justice of the peace, in the county of Windham, within two months from the publication hereof, and take an oath of allegiance to this State, and procure a certificate thereof.

AN ACT entitled an Act to regulate the satisfying executions on certain judgments therein named.

Whereas, it has been represented to this Legislature, that actions for debt have been commenced on judgments of court within this State, after they have laid one year and a day, with a view to evade the statute law of this State, making neat cattle, &c. a tender on executions granted on judgments of debts, bonds, notes, &c. of a certain date therein named:

Which evil to prevent,

Be it enacted, &c. that whenever an action of debt is brought on a judgment obtained before any court within this State, the execution of which would have been legally satisfied by neat cattle, &c. agreeable to the above mentioned statute, the plaintiff shall recover no more in said second action than the original judgment. And the cost arising on said second action, shall be paid by the plaintiff, and the execution thereon, satisfied in the same manner as the judgment on the said first action.

Provided always, that no person shall receive any benefit by this act, unless he can prove to the court where the action on such judgment is brought, that he ever has been and still is ready to satisfy said judgment as the law directs.

AN ACT for the purpose of opening a free trade to and through the province of Quebec.

Whereas, many advantages will arise to the citizens of this State, by extending commerce to the province of Quebec, and through that channel to Europe: Therefore,

Be it enacted, &c. that the Governor and Council be, and they are hereby authorised and empowered, to appoint one or more persons, not exceeding three, to repair to the province of Quebec, with full power to confer with any person, or persons, that may be authorised therefor, by any power with whom it shall be necessary to agree, concerning matters of trade and commerce; and to transact with such person, or persons, all such matters and business as shall be necessary to complete, on the part of this State, the opening a free trade into, and through, said province of Quebec.

AN ACT to continue in force the Laws passed by the Legislature of this State.

Be it enacted, &c. that the several acts passed by the Legislature of this State, (except such as have expired by their own limitation, or have been repealed,) shall continue in force until the rising of the General Assembly at their next stated session in October.

LAWS PASSED AT NORWICH,

JUNE SESSION, 1785.

AN ACT granting twenty-three thousand acres of Land to the Trustees of Dartmouth College, and the President of Moor's Charity School, to and for the use of the said College and School, for ever.

The Legislature having a high sense of the importance of the institution of Dartmouth College, and Moor's Charity School, to mankind at large, and to this commonwealth in particular; its situation and connexions being most favourable to diffuse useful knowledge through the same.

Be it therefore enacted, &c. that there be, and hereby is granted to the Trustees of Dartmouth College, and the President of Moor's Charity School, and to their successors, twenty-three thousand acres of land within this State, to be ascertained and chartered upon the conditions hereafter provided in this act; to be to and for the use of said College and School, for ever.

And be it further enacted, that the surveyor-general for the time being, be and hereby is directed (as soon as the survey of the State is compleated, there being a sufficiency of ungranted lands remaining) to survey in one tract the twenty-three thousand acres, if that quantity of ungranted land, proper for cultivation, can be found in one parcel; or otherwise survey the like quantity in different parcels, under the direction, and to the approbation, of the President of the said institution.

And be it further enacted, that the Governor and Council of this State for the time being, be and hereby are requested to issue a charter of incorporation for the same, when so surveyed, to the Trustees of Dartmouth College, and the President of Moor's Charity School, and to their successors, to be to and for the use and benefit of the said College and School, forever.*

AN ACT to enable Thomas Chandler of Chester, in the county of Windsor, Esq. who now stands committed a prisoner in the common goal at Westminster, in the county of Windham, to deliver up all his estate, real and personal, to his creditors, bona fide, and to discharge the said Thomas from his imprisonment.

Be it enacted, &c. that it shall be lawful for Thomas Chandler, of Chester, in the county of Windsor, Esq. who now stands committed a prisoner in the common goal in Westminster, in the county of Windham, to exhibit a petition to the Honourable Benjamin Burt, Esq., one of the judges of the county court for the county of Windham, certifying the cause of his imprisonment, and an account of his estate, with the dates of the securities wherein any part of it consists, and the deeds or notes relating thereto, and the names of the witnesses; and upon such petition, the judge, by order, is to cause the prisoner to be brought before him, and the creditors at whose suit he stands charged or some of them, or the attorney or agent employed in such cause, to be summoned at least twelve days before the day of such appearance; which summons shall have annexed there to, in a schedule, a copy of the account of his estate which he intends to deliver in to the judge, and upon the day of such appearance, one affidavit of the service of such summons, with the schedule thereto annexed, the judge shall, in a summary way, examine the matter of the petition, and shall tender to the prisoner an oath, to the effect following, viz:

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* In pursuance of this act, a charter was issued by the Governor, dated the 14th of June, 1785, for a tract of land six miles square, by the name of Wheelock.

"*You ——— do solemnly swear, in the presence of Almighty God, that the account by you delivered into this honourable court, in your petition to this court, doth contain a true and full account of all your real and personal estate, debts, credits, and effects, whatsoever, which you, or any in trust for you, have, or, at the time of your petition, had, or were in any respect intitled to, in possession, remainder or reversion, except the wearing apparel and bedding for you or your family, or the tools or instruments of your trade or calling, not exceeding ten pounds in value in the whole; and that you have not, at any time, since your imprisonment, or before, directly or indirectly, sold, leased, assigned, or otherwise disposed of, or made over, in trust for yourself, or otherwise, other than as mentioned in such account, any part of any lands, estate, goods, stock, money, debts or other real or personal estate, whereby to have or expect any benefit or profit to yourself or to defraud any of your creditors to whom you are indebted. So help you God.*"

If the prisoner take the oath, and the judge be satisfied with the truth thereof, the judge may order the effects contained in such account or so much as may be sufficient to satisfy the debts and the fees due to the keeper of the prison, to be, by a short endorsement on the back of the petition, signed by the prisoner, assigned to the creditors, or one or more of them, in trust for the rest; and by such assignment, the estate and property of the lands, goods, debts and effects, so assigned, shall be vested, and the prisoner shall be discharged out of custody, by order of the judge; and the persons to whom the effects shall be assigned, paying the fees to the goaler, shall divide the effects, in proportion to their debts.

And be it further enacted, that, in case the prisoner refuses to take the oath, or shall be detected of falsity therein, he shall, by the judge, be remanded to prison.

And be it further enacted, that the person of the debtor, so discharged, shall never after be arrested for the same debt; but the judgment shall remain in full force, and execution may be taken out against his lands and goods, only his wearing apparel, bedding for himself and family and necessary tools for his trade, excepted: and if the said Thomas, after taking such oath, shall, upon indictment for perjury, be convicted, he shall suffer all the pains of wilful perjury, and shall be liable to be taken on any procress, *de novo*, and shall never after have the benefit of this act.

AN ACT to secure Daniel Marsh, in the possession of a certain farm, until he shall have opportunity of recovering his betterments; and nullifying several judgments rendered against him.

Whereas, it appears that Silas Whitney, of Clarendon, at the November term of the county court for the county of Rutland, holden at Tinmouth, in said county, Anno Domini, one thousand seven hundred and eighty-two, recovered a certain judgment, in an action of trespass and ejectment, against Daniel Marsh, of Clarendon, and that, in consequence of said judgment, a writ of seisin has issued against the said Daniel, and he has been turned out of possession, without any allowance for his betterments, and sundry actions of forcible entry and detainer and of trespass have been prosecuted against him, to his great cost. Therefore,

Be it enacted, &c. that the said Daniel Marsh have, and he hereby hath, liberty to file his declaration, in an action of the case, in the county court for the county of Rutland, at the next stated session of said court, against the said Silas Whitney, of Clarendon, for the recovery of his betterments, done on the farm of which he the said Daniel has been ousted, in consequence of said judgment, recovered against him in favor of the said Whitney, in an action of trespass and ejectment, before the county court for said county of Rutland, at their November term, at Tinmouth, Anno Domini, one thousand seven hundred and eighty-two; and that the said Daniel be permitted peaceably, and quietly to enjoy the possession of the premises of which he has been ousted, by reason of said judgment in trespass and ejectment, rendered as aforesaid, until final [illegible]ment shall have been rendered in said action of the case, for better[illegible]nts as aforesaid.

And be it further enacted, that this act may be pleaded in any court in this State, in bar, and shall be a bar of any action of forcible entry and detainer, trespass or possessory action, of any name or nature whatsoever, brought, or to be brought, by the said Whitney against the said Marsh, relative to the premises disputed in said action of trespass and ejectment, until final judgment shall be rendered in said action of the case for betterments as aforesaid; and all judgment or judgments, subsequent to said judgment in trespass and ejectment, which have been rendered against the said Marsh, in favour of the said Whitney, in action of trespass, forcible entry and detainer, or in any wise whatsoever, relative to the premises in dispute or disputed in said action of trespass and ejectment, are hereby nullified and made void; and all suits now pending and undetermined relative to the same, and all executions already issued for costs relative to the same, shall be, and are hereby suspended.

AN ACT confirming Andrew Graham, of Putney, in the county of Windham, in the quiet and peaceable possession of the farm on which he now lives in said Putney, and rendering all judgments respecting the possession of the same, heretofore had and rendered by any court of law whatsoever, null and void.

Be it enacted, &c. that Andrew Graham, of Putney, in the county of Windham, be, and hereby is confirmed in the quiet and peaceable possession of the farm or lot of land, in said Putney, on which the said Andrew Graham now lives, being the same farm or lot of land on which the said Andrew formerly lived and improved, and lately occupied by Benjamin Witson, late of said Putney; and that all judgments heretofore had and rendered by any court of law, in any real or possessory action, in any wise respecting said farm or lot of land, be, and are hereby declared to be null and void; and that all processes, writs of execution, writs of seisin, writs of possession, or other proceedings, of what name or nature soever, in law, be, and are hereby suspended, and to be no further prosecuted.

And be it further enacted, that if any person or persons shall commit any trespass on the aforesaid farm or lot of land, of what name or nature soever, the said Andrew shall have and maintain his action of trespass, according to the laws, usage and customs of this State; and this act given in evidence, shall be, and hereby is declared to be conclusive evidence to any court of law in this State, of the legal possession of said farm or lot of land being said Andrew Graham's.

Provided nevertheless, that nothing contained in this act shall be construed to bar or preclude any person or persons, from having and maintaining his or their actions of ejectment, who claim the title of said farm.

LAWS PASSED AT WINDSOR,

OCTOBER SESSION, 1785.

AN ACT for settling disputes respecting landed property.

Whereas, many persons have purchased supposed titles to land within this State, and have taken possession of such lands under such titles, and made large improvements on the same; and who, having no legal title to such lands, must, if the strict rules of the common law be attended to, be turned off from their possessions, made at great expense.

Be it enacted, &c. that when any person or persons, in the actual possession and improvement of lands to which he, she, or they, so in possession, or those under whom they hold, had purchased a title, supposing at the time of purchase, such title to be good in fee, and having, in consequence of such purchase, entered and made improvements upon such lands, shall be prosecuted before any court by action of ejectment, or any other real or possessory action, to final judgment, and judgment shall be given against such person or persons in possession as aforesaid, such person or persons as aforesaid, against whom judgment shall be finally given as aforesaid, shall have right, by action, to recover of the person or persons in whom the legal right shall be found by such judgment, the value of the improvements and betterments made on such lands by such possessor or possessors, or those under whom they hold: and the manner of process shall be, that the recoveree or recoverees in such action as aforesaid, shall, within forty-eight hours after judgment, or during the sitting of said court, file a declaration, in an action of the case, against the recoveror or recoverors, for so much money as the estate is made better as aforesaid, in the clerk's office of the court where such judgment was obtained, which shall be deemed a sufficient notice to the adverse party to appear and defend in such action on the case, at the next session of said court, whether stated or adjourned; and the court, on motion made, shall order the writ of seizin or possession to be stayed until the last action aforesaid be determined; and the land recovered by such judgment, shall be holden to respond the judgment (if any there be in favor of the possessor or possessors) as fully as though the same had been attached by mesne process; and if, on trial, it shall be found necessary that a view be had of the premises, to ascertain how much the estate is made better as aforesaid, the court, on motion made by either party, may grant such view; and all the reasonable charges arising by such view, shall be paid by the party moving for the same.

And be it further enacted, that the jury, in estimating the value of the improvements, shall assess the value of the lands as they were when the settlement was begun by the possessor or possessors; and shall also assess the value of such lands at the time of such assessment, as if the same were then uncultivated, and shall allow to the possessor or possessors, the one half of what such lands have arisen in value, and shall, in addition thereto, assess to the possessor or possessors, the just value of making the improvements, with the buildings and other betterments made on such lands by the possessor or pessessors, or those under whom they hold; and if any doubt shall arise respecting the quantity of such land to be estimated by the jury, it is hereby declared to be the duty of such jury, to appraise the improvements and betterments on all the land described in such action.

And be it further enacted, that when any person or persons who have entered and made improvements on lands to which he, she, or they, had no such supposed title as aforesaid, shall be prosecuted before any court, by action of ejectment, or other real or possessory action, and judgment shall be finally given against such possessor or possessors, he, she, or they, shall have a right to recover of the legal owner thereof, the value of his, her, or their improvements, to be estimated in manner as aforesaid; excepting that such possessor or possessors shall have no allowance for the rise of the land; and the same manner of process shall be had, and the lands shall be holden to respond the judgment obtained by said possessor or possessors, as is before provided in this act.

Provided always, and be it further enacted, that this act shall not extend to any thing future, or to any person or persons, who have taken possession of land to which they have no supposed title, after the first day of October, 1780; or to any person or persons who have taken possession of lands to which they have no legal title, after the first day of July, 1785; and that no person who hath ousted the rightful owner, or gotten possession of any improved estate by ouster, (otherwise than by a legal process) shall take any advantage or benefit by this act.

Be it further enacted, that if the plaintiff in the action of the case aforesaid, shall recover judgment in said action, no execution shall be granted in such case, until the expiration of six months after said judgment is recovered; and the writ of seizin or possession, shall be further stayed until the expiration of the said six months, unless the defendant in said action of the case, satisfy said judgment, either to the plaintiff recovering such judgment, or by paying the full sum of damages and cost so recovered, into the hands of the clerk of said court, for the plaintiff's use; in which case the clerk shall give a receipt for the sum so paid, and enter such judgment satisfied, and a writ of seizin or possession shall immediately issue.

Be it further enacted, that the defendant, in the declaration filed for damages as before mentioned in this act, shall not be allowed to demur to said declaration after the second day of the sitting of the court in which said action for damages is to be tried as aforesaid; and if judgment shall be given on demurer in favor of the defendant, the plaintiff, within twenty-four hours after such judgment, or during the sitting of said court, shall have full liberty to file another declaration for the purposes intended by this act; and a trial shall be had in said action as soon as may be, after filing said last mentioned declaration; and the writ of seizin or possession shall be stayed, and the land shall be holden to respond the judgment as before is provided in this act.

Be it further enacted, that all actions commenced for the trial of the title of lands, or declaration filed for damages as aforesaid, shall be taken up in the same stage in which they were when the trial of them was suspended by the General Assembly, in October, 1783, and be prosecuted accordingly.

And be it further enacted, that where any prosecution has been commenced before the passing of this act, by action of ejectment, or other real or possessory action, before any court, against any person in possession as is before mentioned in this act, and judgment has been rendered in favor of the plaintiff, whether such judgment be final or not; or whether writ of seizin or possession on such judgment has been issued or not; and whether such possessor or possessors shall have been put out of said possession or not; such writ of seizin or possession, if not executed, shall be stayed for the term of six months from the passing this act; in which time, such possessor shall have liberty (by paying to the plaintiff, in such action of ejectment or writ of right, all his just costs in such action, and giving him, or his attorney, twelve days notice in writing, when and where he will file a declaration for the purposes intended by this act) to file a declaration in an action of the case, with the clerk of the court in which the plaintiff's action of ejectment, or other real or possessory action, was first commenced, and shall have all the advantages intended by this act.

Provided always, and it is hereby enacted, that this act shall not extend to any person or persons settled on lands granted or sequestered for public, pious, or charitable uses; nor to any person who has gotten the possession of lands by virtue of any contract made between him and the legal owner or owners thereof.

Provided also, and be it further enacted, that nothing in this act shall be construed to deprive any person of his remedy at law against his voucher.

Be it further enacted, that no writ of right, or other real action, no action of ejectment, or other possessory action, of what name or nature soever, shall be sued, prosecuted or maintained, for the recovery of any lands, tenements, or hereditaments, where the cause of action has accrued before the passing this act, unless such action be commenced within three years next after the first day of July, in the present year of our Lord one thousand seven hundred and eighty-five.

AN ACT to repeal a certain clause in an Act, entitled, *An Act for the regulating Fees,* passed at Westminster, October 17, 1783.

Whereas, it appears that those who live without this State, that commence suits at law within this State, have greater fees for crossing the line of this State than is allowed by the neighboring States:

Which to prevent,

Be it enacted, &c. that a certain clause in an act, entitled, "An Act regulating Fees," passed at Westminster, October 17, 1783, allowing six shillings to plaintiff or defendant for crossing the line of this State, be, and hereby is repealed.

Be it further enacted, that plaintiff or defendant living without this State, in any suit that shall be commenced before any court in this State, be allowed three pence per mile for travel from the line of said State to the court, on the most direct road from the place of residence of such plaintiff or defendant to such court.

AN ACT directing what money shall be legal currency in this State, and at what rate the same shall pass.

Be it enacted, &c. that all genuine coined gold, silver and copper shall be legal money in this State, and shall pass as follows, viz:—all gold coin of the fineness of a half johannes, shall be at the rate of five shillings and four pence a penny weight; silver coin estimating the silver Spanish milled dollar weighing not less than seventeen penny weight and six grains, at six shillings each, and all other silver coins in proportion thereto, according to its weight and fineness; and all genuine coined coppers, three of which weighing not less than four penny weight fifteen grains each, shall pass for two pence.

AN ACT to vacate the record of a deed on the book of records in the town clerk's office, in the town of Windsor.

Whereas, it appears by the testimony of sundry persons, and especially by the testimony of the former town clerk for said town of Windsor, that the record of a certain deed or conveyance of land, made by Watts Hubbard of said Windsor, to Benajah West, of Albany county, and David West, Elisha West, Mary West, and Abigal West, of Dutchess county, in the (then) province of New-York, made and executed on the eighth day of December, Anno Domini, seventeen hundred and seventy-five, was made on the said town book, through mistake, and contrary to the direction and intention of the person having the controul of the same,—by reason of which record, it appears that great injury may be done to the persons who have the equitable controul of said deed, unless the same record can be vacated so far as to destroy its operation as evidence in courts of law, of the deed of which it appears to be a transcript;

Which evil to prevent,

Be it enacted, &c. that the record of said deed, as entered on the first book for recording deeds, in said town of Windsor, in the tenth and eleventh pages of said book, dated February 22, 1782, be, and the same is hereby declared to be, void, and the same shall not be received or admitted, in any court of law, as evidence of such deed of which it appears by said record to be a transcript.

AN ACT to continue in force the Laws of this State.

Be it enacted, &c. that every act and law of the Legislature of this State, which has not been expressly repealed or expired by its own limitation, be, and hereby is, continued force, until the rising of the General Assembly, in October next.

LAWS PASSED AT RUTLAND,

OCTOBER SESSION, 1786.

AN ACT to make such articles a tender upon execution, to the inhabitants of either of the United States, as are, by their respective laws, a tender upon execution.

Be it enacted, &c. that all articles, of what nature or kind soever, which now are, or hereafter shall be, by the laws of any or either of the United States of North-America, made a lawful tender upon an execution, shall, during the existence of such laws, be a lawful tender, upon an execution to the inhabitants of such respective State, within this commonwealth.

And be it further enacted, that if any or either of the said United States, or either county thereof, shall, by reason of their civil commotions, tumults, riots, or disorders, be in such a situation that the inhabitants of this commonwealth cannot, by law, recover debts in such State or county; the inhabitants of such State or county shall be precluded from commencing any civil action in this State, against any subject thereof, or from recovering any judgment against either the subjects of this State, until the free exercise of law, for the recovery of debts, be restored to the subjects of this State, in such State or county.

AN ACT for prolonging the time in which the grantees of the lands, granted by this State, are obliged to settle the same.

Be it enacted, &c. that no forfeitures of lands, granted by this State, shall be taken till three years after the outlines of the town or towns in which the lands lie, have or may be run by order of the Legislature.

AN ACT to repeal part of an Act, entitled, "An Act constituting the Superior Court a Court of Equity, and declaring their power."

It is hereby enacted, &c. that such part of an act, entitled, "An Act constituting the Superior Court a Court of Equity, and declaring their power," as authorises the Governor, Council, and General Assembly, to hear and determine cases in equity, be, and is hereby repealed.

AN ACT to prevent the sale and transportation of Negroes and Molattoes out of this State.

Whereas, by the constitution of this State, all the subjects of this commonwealth, of whatever colour, are equally entitled to the inestimable blessings of freedom, unless they have forfeited the same by the commission of some crime; and the idea of slavery is expressly and totally exploded from our free government.

And whereas, instances have happened of the former owners of Negro slaves in this commonwealth, making sale of such persons as slaves, notwithstanding their being liberated by the constitution; and attempts been made to transport such persons to foreign parts, in open violation of the laws of the land.

Be it therefore enacted, &c. that if any person shall, hereafter, make sale of any subject of this State, or shall convey, or attempt to convey, any subject out of this State, with intent to hold or sell such person as a slave; every person so offending, and convicted thereof, shall forfeit and pay to the persons injured, for such offence, the sum of one hundred pounds, and cost of suit; to be recovered by action of debt, complaint, or information.

AN ACT defining and limiting the jurisdiction of Justice Courts within this State, and directing the proceedings therein.

Whereas, it is essential to the wise and happy administration of government, and regular execution of law, that the jurisdiction of justices of the peace within this State, and there mode of proceeding, be exactly limited and defined: Therefore,

Be it enacted, &c. That every justice of the peace within his respective jurisdiction, be and is hereby fully authorised and empowered, to hear, try and determine, all pleas and actions of a criminal nature, where the fines and forfeitures are within the sum of forty shillings, and the corporal punishment does not exceed ten stripes.

And be it further enacted, that every justice of the peace, within his proper sphere of jurisdiction as aforesaid, be, and is hereby fully authorised and empowered, to hear, try and determine, all pleas and actions of a civil nature (other than actions of defamation, and where the title of land is concerned) where the debt, or other matter in demand, does not exceed the sum of four pounds; and also to determine as aforesaid, on all specialties, notes of hand, and settled accounts, not exceeding the sum of six pounds; and to give judgment, and award execution thereon accordingly.

And be it further enacted, that every justice of the peace, within his proper jurisdiction may, on application made, grant a summons, warrant or attachment, as the case may require, where the demand of the plaintiff doth not exceed the aforesaid sums, to cause the person or persons against whom application shall be made, or his or their goods, as the case may be, to be had before such justice, at such time and place as shall be directed in such precept; which precept shall be directed to the constable of the town where the defendant dwells, and shall be as follows, viz.

To either of the constables of ——, in the county of ——.

By the authority of the State of Vermont, You are hereby commanded to summon A. B. of ——, in the county of ——, to appear before me, at ——, on ——, at —— o'clock of said day, to answer to C. D. of ——, in an action of plea to the damage of the plaintiff, six pounds, or under. Hereof fail not, and your doings hereon, with this summons, make due return according to law. Given under my hand at ——, this —— day of ——.

E. F. justice of peace.
[Councillor, or Judge, as the case may be.]

Or if a warrant or attachment.

To either of the constables of ——, in the county of ——.

By the authority of the State of Vermont, You are hereby commanded to apprehend the body of A. B. of ——, or to attach the goods or chattels of the said A. B. [as the case may be] and have him [or them] before me, at ——, on ——, at —— o'clock, [or forthwith in criminal cases] to answer to C. D. of ——, in an action or plea [as in the summons.]

And in case a constable cannot seasonably be had to serve any such summons, warrant, or execution, issued by a justice of the peace; any justice is hereby empowered to authorise any suitable person to serve the same, in manner following, viz: the justice shall insert on the back of the precept the following words, at the request and risque of the plaintiff, I authorise A. B. to serve and return this precept: and the person so authorised shall have all the powers of a constable in the service and return of such precept; and no such precept shall be abated on any pretence whatsoever. And such attachment or warrant shall be served on the body or goods of the defendant, and by delivering to the defendant, or leaving at his last and usual place of abode, a true and attested copy thereof, with the articles thereon attached: and summons shall be served by leaving an attested copy of the same with the defendant, or at his last and usual place of abode, or reading the same in his hearing; at least six days before the day therein appointed for trial: and if any person or persons, so summoned, shall neglect or refuse to appear, judgment on default against such defendant or defendants shall be rendered, for such sum as to the justice shall appear just and reasonable, together with cost. And a judgment before a justice's court shall be a final settlement of all mutual demands between the parties to that time, within the cognizance of such justice.

Provided nevertheless, that if any defendant shall neglect, on such trial, to bring in his demand for a mutual balance and offset, he shall have liberty to bring his action for the recovery thereof within one year next after such trial; excepting that in such case the plaintiff shall recover no cost, although he make his plea good: and cost recovered by either party shall be as stated in the table of fees; excepting that neither party shall recover for his cost, where there is no jury, more than eighteen shillings; and if there shall be a jury, not more than twenty-seven shillings; and excepting that no fees be allowed the plaintiff for his travel, and but two shillings for attendance.

And be it further enacted, that in all cases where judgment is rendered before a justice, execution shall be stayed thirty days after such judgment, and shall be returnable within sixty, after the issuing thereof; except the party recovering shall satisfy the justice that he is in danger of losing his money by such delay; in which case, execution may be granted immediately, returnable within ninety days from the issuing thereof. And if any action, in this act made cognizable before a justice of peace, shall be brought before any county or supreme court, the plaintiff shall be non-suit: and no judgment, rendered before any justice, shall be reversed by writ of error, or in any other way, except as is in this act hereafter provided.

And be it further enacted, that every justice of the peace, within the limits of his authority, be, and is hereby empowered to apprehend, or cause to be apprehended, and commit to prison, or bind over to be tried by the county or supreme court, all criminal offenders, the enormity of whose misdemeanors surpass his power to try.

And be it further enacted, that any person who shall think himself aggrieved by the judgment or sentence of any justice of peace in a criminal action, shall have liberty, on giving security by way of recognizance, to prosecute to effect, to remove the cause by certiotari, to the next supreme court sitting for that county, there to be tried on the merits.

Provided nevertheless, that if, on the trial to be holden in such case in the supreme court, judgment shall be given for the party removing the same, he shall recover his cost; and if judgment shall be given against such party, he shall pay double cost.

And be it further enacted, that no appeal or review shall hereafter be allowed from the judgment of a justice of the peace, to be rendered by virtue of this act; any law, usage or custom, to the contrary, notwithstanding.

And be it further enacted, that this act shall not be in force or effect, until after the first Monday in December next.

AN ACT to compel the fulfilment of Contracts according to the intent of the parties.

Whereas, many contracts have been, and probably will be made in this State, for the payment of different kinds of produce, wares and manufactures, at times therein limited: and whereas, it has frequently happened, that after the expiration of the times limited in such contracts, for payment thereof, creditors have refused to accept of any thing but silver and gold in discharge of the same.

To remedy which in future,

Be it enacted, &c. that whenever any judgment shall hereafter be rendered in this State, upon a contract made since the first of July, 1782, or to be made, for payment of the produce of this country, wares or manufactures, at a limited time and place therein mentioned, the same articles agreed upon in the contract only, shall be a tender upon execution to the officer having the same, at the place at which, by the contract, the payment was or shall be limited to be made, if within this State; and the officer shall be obliged to receive and cause the same to be appraised, agreeably to an act passed by the Legislature of this State, in February, 1783, entitled, *An act, in addition to an act, entitled,* "*An act directing and regulating the levying and serving executions*:" and from, and immediately after, such appraisal, the goods appraised shall be the property, and be at the risk of the creditor.

And be it further enacted, that the respective justices, and clerks of courts, before whom such judgment shall be rendered, shall certify, under their oath of office, the place, and kind of produce, wares or manufactures, in which such contracts ought to be paid, agreeably to this act.

And be it further enacted, that when the contract, upon which judgment shall be so rendered, shall be payable at any place without the limits of this State, the same shall be, and hereby is declared to be, payable to an officer on execution, and shall be appraised within the town in which the defendant lives, (if an inhabitant of this State) if not, in the town in which such property shall be taken on execution.

AN ACT empowering the Select-men of the town of Benson, in the county of Rutland, to levy a tax of one penny on each acre of land in said township of Benson, for the purpose of making and repairing Roads and Bridges.*

It is hereby enacted, &c. that the select-men of said town of Benson, be, and they are hereby authorised and empowered to levy a tax of one penny on each acre of land, in said township of Benson, except public rights, and issue their warrant to the first constable of said town of Benson, to collect the same, and when collected, he is hereby directed to pay the same to the said select-men ; who are hereby directed to lay out said tax in making and repairing public roads and bridges, in said town. And they are hereby made accountable to the county court for the county of Rutland for laying out said tax.

And be it further enacted, that said collector be, and is hereby authorised and empowered to sell lands at public vendue to collect said tax, and the legal cost ; and before he shall proceed to the sale of any lands, he shall publish the same in the Vermont Gazette and Journal, three weeks successively, at least six weeks before the day of sale ; and that he shall not give any deed for lands he shall sell, until the expiration of one year from the day of sale.

And be it further enacted, that if the owner of any lands in said town that shall be sold as aforesaid, shall pay or tender unto said collector, at any time within said year, the sum that said land was sold for, with the legal cost, and twelve per cent interest, the fee of the land shall not be conveyed by such sale ; and said collector is hereby directed not to give any deed of any land so redeemed.

AN ACT granting to Reuben Harmon, jun. Esq. the right of coining copper within this State, for a farther term of eight years.

Whereas, the Legislature of this State did, at their sessions at Norwich, in June, 1785, grant to Reuben Harmon, jun. Esq. of Ruport, in the county of Bennington, the exclusive right of coining copper within this State, for the term of two years from the first day of July, in the aforesaid year of our Lord, 1785 : and whereas, the said Reuben has, by his petition, represented to this Assembly, that he has been at great expense in erecting works and procuring a quantity of copper for the purpose of carrying on said business of coining, and that, by reason of the shortness of said term, he will be unable to indemnify himself for his said expense; and praying this Assembly to grant him said privilege of coining copper for a longer term; and this Assembly willing to encourage an undertaking that promises a considerable public utility. Therefore,

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* This act is copied, for the purpose of showing the manner in which taxes for the purpose of making and repairing roads and bridges, were assessed, until October session, 1787 ; when the Legislature adopted the present mode of assessing such taxes directly, instead of authorising the assessment to be made by the select-men.

Be it enacted, &c. that there be, and hereby is granted and confirmed to the said Reuben Harmon, jun. Esq. the exclusive right of coining copper within this State, for a farther term of eight years from the first day of July, in the year of our Lord, 1787; and that all copper by him coined, shall be in pieces weighing not less than four penny weight, fifteen grains each; and the device for all copper, by him hereafter coined, shall be, on the one side, a head with the motto, *auctoritate Vermontensium*, abridged—on the reverse, a woman, with the letters, INDE: ET LIB: for Independence and Liberty.

And be it further enacted, that the said Reuben shall have and enjoy the aforesaid privilege of coining copper within this State, free from any duty to this State as a compensation thereof, for the full term of three years from the first day of July, in the year of our Lord, 1787; and that, from and after the expiration of the said three years, he the said Reuben shall pay, for the use of this State, two and one half per cent, of all the copper he shall coin for and during the remainder of the aforesaid term of eight years: and the said Reuben, before he take any benefit of this act, shall enter into a bond of five thousand pounds, to the treasurer of this State, with two or more good and sufficient sureties, freeholders of this State, conditioned that all the copper, by him coined as aforesaid, shall be of full weight as specified in this act, and of genuine metal, and that, from and after the expiration of the aforesaid three years, he will well and truly render an account of the sums by him coined, by virtue of this grant, and pay over all such sums as shall, on account of said coinage, become due to this State, at such times, and in such manner, as this or a future Assembly shall direct.

AN ACT to continue in force the several Statutes of this State.

Be it enacted, &c. that the several acts, and parts of acts, passed by the Legislature of this State, and which have not been repealed, but are now in force, shall remain and continue in force, until the rising of this Legislature in February next.

PROCEEDINGS

OF THE FIRST

COUNCIL OF CENSORS.

Agreeably to the forty-fourth section of the Constitution, a Council of Censors was elected, on the last Wednesday in March, 1785; which consisted of the following members, viz:—Increase Moseley, Ebenezer Curtis, Ebenezer Walbridge, Benjamin Carpenter, Stephen Jacob, Jonathan Hunt, Ebenezer Marvin, Elijah Robinson, Micah Townsend, Joseph Marsh, John Session, Lewis Bebee, and Jonathan Brace. This Council held three sessions, viz:—at Norwich, on the first Wednesday of June, 1785; at Windsor, on the last Thursday of September following, and at Bennington, on the first Thursday of February, 1786. The following Resolutions, revised Constitution, and Address to the freemen, appear to have been the result of their deliberations.

RESOLUTIONS OF THE COUNCIL.

In Council of Censors, October 5, 1785.

1. *Resolved*, that it be, and is hereby recommended to the Honorable the Legislature, in their next session, to repeal an act passed in February, 1779, entitled, "An act to prevent riots, disorders, and contempt of authority within this State, and for punishing the same,"* on account of the uncommon severity of the punishments to be inflicted for breaches of said act, and their disproportion to the offences; it being unjust and impolitic, in the opinion of this Council, as well as contrary to the humanity manifested in the Constitution, to inflict punishments which render a person and his connexions, infamous, and preclude all reformation for crimes which are not infamous in their nature; and because it puts a person who simply, and often inadvertantly, commits a trespass, in so desperate a situation as, in its consequences, may be prejudicial to the peace of society.

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* See page 300.

II. *Resolved,* that it be, and hereby is, recommended to the Honorable the Legislature, to alter so much of the last clause of an act passed in February, 1779, entitled, "An act to encourage the destroying of wolves and panthers,"[*] as directs corporeal punishment for taking a wolf out of a trap; because punishments too severe in their nature, for the crimes, have a direct tendency to prevent the execution of the laws enforcing them; and if inflicted, to lessen the beneficial operation of the same punishments in cases where severity is expedient.

In Council of Censors, Oct. 6, 1785.

III. *Resolved,* that it be recommended to the Honorable Legislature, to alter the punishment to be inflicted by the first and sixth clauses of an act passed in February, 1779, entitled, "An act against counterfeiting bills of public credit, coins or currencies, and emitting and passing bills or notes on private credit, and preventing injustice in passing counterfeit bills;"[†] this Council conceiving the punishment for the crime in the first clause to be too severe for the offence, (although heinous in its nature) as it excludes all idea of reformation, for the first transgression; and that the same punishments are beyond all proportion to the actions mentioned in the first paragraph of the sixth clause of said act, which are no otherwise offences, than because they are prohibited by law.

IV. *Resolved,* that it be recommended to the Honorable the Legislature, to alter the proviso annexed to the third clause of an act passed in February, 1779, entitled, "An act for authenticating deeds and conveyances;"[‡] because the said proviso is contrary to the intent of the XXXIst section in the frame of government, where there is no town clerk in the town, admits of so many different offices for recording deeds, as renders it difficult and expensive for the purchasor to inform himself of the safety of his title.

V. *Resolved,* That it be, and is hereby, recommended to the Honorable the Legislature, in their next session, to repeal the last paragraph of an act passed in February, 1779, entitled, "An act to prevent unseasonable night walking, and for the punishing of disorders committed in the night season;"[§] because, as this Council conceives, the same is contrary to the 10th article in the Bill of Rights, which declares the right of an accused person to be confronted with witnesses, to be tried by an impartial jury of the country, and that he cannot be compelled to give evidence against himself.

VI. *Resolved,* that it be recommended to the Honorable the Legislature, to repeal an act passed in February, 1779, entitled, "An act to prevent the selling or transporting raw or untanned hides or skins, out of this State;"[||] the same being considered by this Council as being too great a controul over the right each individual has of disposing of his property, to be exercised by a permanent law, and as being contrary to the principles of the constitution.

VII. This Council conceiving it exceedingly inconvenient, and against the interest of the community, that so numerous a body as the Governor, Council, and General Assembly of the State, should be employed in determining causes between party and party, and their attention thereby diverted from their more important business of legislation; do hereby recommend to the Honorable the Legislature, during their next session, to repeal such parts of an act passed October 22, 1779, entitled, "An act constituting the superior court a court of equity, and declaring their power,"* as invest the Governor, Council, and House of Representatives, with authority to hear and determine cases in equity; with a proviso, that the repealing act shall not affect any cause commenced and depending before the said court of equity.

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[*] See page 322.—[†] See page 333.—[‡] See page 336—[§] See page 359.—[||] See page 382.

VIII. *Resolved*, that it be, and hereby is, recommended to the Honorable the Legislature, to repeal an act passed 3d November, 1780, entitled, "An act against inimical conduct;"† and also an act passed 6th November, 1780, entitled, "An act in addition to and explanation of the last paragraph of an act, entitled, 'An act against high treason;'"‡ on account of the large powers therein given, in the one to a single, and in the other to two ministers of justice—the vague definition of the offences—and the inexpediency of having acts in force after the reason for their existence has ceased.

IX. *Resolved*, that it be, and hereby is, recommended to the Honorable the Legislature, in their next session, to repeal an act passed on the 22d February, 1781, entitled, "An act for quieting disputes concerning landed property;"‡ because this Council conceive it to be an encroachment made by the Legislature upon the power assigned by the constitution to the judicial department, and that it invests them with the authority of determining upon the validity of their own grants.

In Council of Censors, October 7, 1785.

X. *Resolved*, that it be, and is hereby, recommended to the Honorable the Legislature, in their next session, to repeal an act, entitled, "An act for the punishment of conspiracies against the peace, liberty, and independence of this State,"§ passed 21st June, 1782; on account of the inexpediency of continuing in force a law of so great severity, after the necessity which occasioned passing it has ceased.

XI. *Resolved*, that it be, and hereby is, recommended to the Honorable the Legislature, in their next session, to alter the first clause of an act passed 22d October, 1782, entitled, "An act in addition to an act regulating goals and goalers;"‖ on account of its not sufficiently guarding the property of the subject:

Firstly, in not more explicitly defining the time of notice to be given to the creditor, or his attorney.

Secondly, for that the said clause is so expressed, that it may be (and by some is) construed, that any justice of the peace of the county is obliged to administer the oath therein mentioned to the debtor, upon his application, although such justice should be convinced of the falsity of it.

Thirdly, because no penalty is prescribed in case of the debtor's false swearing.

Fourthly, because it leaves it in the power of the debtor to choose any justice in the county to determine upon his application, and authorises one justice to liberate a debtor from imprisonment, let the amount of his debts be what they may.

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* See page 394.—† See page 413.—‡ See page 424.—§ See page 454.—‖ See page 458.

XII. *Resolved*, that it be, and hereby is earnestly recommended to the Honorable the Legislature, in their next session, to repeal an act passed 22d October, 1782, entitled, "An act for the regulation and establishment of town lines," and the several additions thereto; and also an act passed February 26th, 1782, entitled, "An act to ascertain the boundaries of the towns therein mentioned;" and also an act passed 23d October, 1783, entitled, "An act for the purpose of enabling the Surveyor-General to complete the survey of the town lines in this State;" and an act passed 8th March, 1784, entitled, "An act for the purpose of cutting roads in the northern parts of this State;"* for the following reasons, viz:

First, because the said several acts appear to this Council calculated for the emolument of individuals, by arbitrarily taking and disposing of the property of others, rather than for the true interest of the community at large.

Secondly, because, however injurious the operation of the said several acts may be to the property of individual towns or persons, they are obliged to defray the expense, and that upon much shorter notice, and less equitable principles, than the laws point out in common demands between party and party, as their lands are thereby subjected to sale at public vendue, for the satisfaction of debts, merely of a private nature, and differing from private contracts in no respect, only, that the persons on whom the demand is made, are not allowed a voice in the contract, and the satisfaction is made in a mode that precludes them the privilege of contesting the demand.

Thirdly, because they appear to authorise the Legislature to determine the right of property, held under different titles, and thereby preclude the aggrieved proprietors their remedy at law, contrary to the true intent and meaning of the 13th article in the Bill of Rights.

XIII. *Resolved*, that it be, and hereby is recommended to the Honorable the Legislature, to alter the penalty contained in the fourth clause of an act passed 2d March, 1784, entitled, "An act to prevent the spreading of the small-pox;" because the unusual severity of the said clause, is contrary to the humane spirit manifested in the XXVIth section of the Frame of Government, and may probably defeat its operation.†

XIV. *Resolved*, that it be, and hereby is recommended to the Honorable the Legislature, to repeal an act passed 9th March, 1784, entitled, "An act to reverse the several judgments therein mentioned;"‡ this

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[*] These acts may be found in the appendix to the revised laws of 1797.

[†] The following is the clause of the act to which the Council refer:—

Be it further enacted by the authority aforesaid, that if any person or persons, in any town in this State, shall know of any person or persons being infected in any manner with the small-pox, contrary to the true intent of this act, and do not immediately acquaint the authority or select-men of such town, in which such infected person or persons reside, or some of them, of the same, and be thereof convicted, he or they shall forfeit and pay a fine of fifty pounds, lawful money, to be recovered and applied as aforesaid. And if such convicted person or persons, in either of the cases before mentioned, shall not have estate sufficient to satisfy such judgment or fine, and cost, the court, before whom the trial is had, is hereby authorised and directed to dispose of such person in service, a sufficient time to pay such fine and cost.

[‡] See page 497.

Council conceiving the said act to be an encroachment upon the authority assigned by the constitution to the judicial department; the supreme court being, in the opinion of this Council, competent to remedy the grievances complained of.

XV. *Resolved,* that it be, and hereby is recommended to the Honorable the Legislature, to alter an act passed 29th October, 1784, entitled, " An act for the purpose of opening a free trade to and through the Province of Quebec,"* so far as to provide that no further expense shall accrue to the State by any proceedings thereon; this Council conceiving it unreasonable to tax the inhabitants of the State at large to defray the expense of a treaty, the benefits of which will be partial and confined to a few individuals.

In Council of Censors, October 17, 1785.

Resolved, that it be, and hereby is recommended to the Honorable the Legislature, in their present session, to repeal an act passed 18th June, 1785, entitled, " An act to secure Daniel Marsh in the possession of a certain farm until he shall have opportunity of recovering his betterments, and nullifying several judgments rendered against him."†

1. Because said act, in effect, destroys the power assigned by the constitution to the judicial department.

2. Because it divests one subject of his possession to land, already determined to be his right, by a court and jury, and arbitrarily vests it in another, without the intervention of a jury, contrary to the 13th article in the Bill of Rights, and the XXIId section of the Frame of Government.

3. Because it gives Mr. Marsh a greater privilege than was thought proper by the Legislature to be given to other subjects, by the 7th clause of an act passed by them the preceding day, entitled, " An act for settling disputes respecting landed property;" as it enables him to enter his action for the betterments of the land, without first paying the costs of the judgments recovered against him; and, by annulling those judgments, destroys Mr. Whitney's remedy for his costs of suit.

4. Because said act appears to render void certain judgments in forcible entry and detainer, and, of consequence, remits fines; which is a branch of power assigned by the constitution to the Governor and Council.

5. That said act not only takes the possession of the land in dispute from Whitney and gives it to Marsh, but hinders Whitney from commencing a suit for recovering his possession, until a final judgment shall be rendered in the suit for betterments; and Whitney is then left to a course of litigation to recover the possession which is thus extraordinarily wrested from him.

Resolved, that it be, and hereby is recommended to the Honorable the Legislature, in their present session, to repeal an act passed 18th June, 1785, entitled, " An act confirming Andrew Graham, of Putney, in the county of Windham, in the quiet and peaceable possession of the farm on which he now lives in said Putney, and rendering all judgments respecting the possession of the same, heretofore had and rendered by any court of law whatsoever, null and void."‡

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* See page 496.—† See page 499.—‡ See page 500.

1. For reasons similar to the first, second, and fourth, given in the preceding resolution.
2. Because the said act is so worded as to reverse a judgment rendered previous to the existence of this State.
3. Because, by reversing the judgments obtained against said Graham, the adverse party is precluded obtaining his costs awarded by the judgments.
4. Because the said act is so unguardedly worded, as to suspend all executions, processes, and other law proceedings of what name or nature soever, within the State; and to declare that they be no further prosecuted.
5. Because, contrary to the verdict of two juries under oath, said Graham is declared the legal possessor of the land in dispute.

THE CONSTITUTION

AS REVISED BY THE FIRST COUNCIL OF CENSORS AND RECOMMENDED FOR THE CONSIDERATION OF THE PEOPLE.

OCTOBER, 1785.

CHAPTER I.

A DECLARATION OF THE POLITICAL RIGHTS AND PRIVILEGES OF THE INHABITANTS OF THE STATE OF VERMONT.

I. THAT all men are born equally free and independent, and have certain natural and inherent rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety. Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, in this commonwealth, as a servant, slave, or apprentice, after he arrives to the age of twenty-one years; nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of public or private demands.

II. That private property ought to be subservient to public uses, when necessity so requires; nevertheless, whenever the property of any particular person is taken for the use of the public, the owner ought to receive an equivalent therefor.

III. That all men have a natural and unalienable right to worship ALMIGHTY GOD, according to the dictates of their own consciences and understandings, as, in their opinion, shall be regulated by the word of GOD; and that no man ought, or of right can be compelled, to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship; and that no authority can or ought to be vested in, or assumed by any power whatsoever, that shall, in any case, interfere with, or in any manner control, the rights of conscience in the free exercise of religious worship: nevertheless, every sect or denomination of christians ought to observe the Sabbath or Lord's day, and keep up some sort of public religious worship which, to them, shall seem most agreeable to the revealed will of GOD.

IV. Every person within this commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character: he ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

V. That the people of this State, by their legal representatives, have the sole, exclusive and inherent right of governing and regulating the internal police of the same.

VI. That all power being originally inherent in, and consequently derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way, accountable to them.

VII. That as civil government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community, and not for the emolument of any individuals, who are a part only of that community, the people, collectively considered, have a right to alter and reform their government, in such manner as shall, by them, be judged most conducive to the public weal.

VIII. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, by their legal representatives, to enact laws for reducing their public officers to a private station, and for supplying their vacancies, in a constitutional manner, by regular elections, at such periods as they may think proper.

IX. That all elections ought to be free and without corruption; and that all freemen, having a sufficient evident common interest with, and attachment to, the community, have a right to elect officers, and be elected into office.

X. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of the representative body of the freemen; nor can any man, who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law, but such as they have, in like manner, assented to, for their common good. And previous to any law being made to raise a tax, the purpose for which it is to be raised, ought to appear evident to the Legislature to be of more service to the community, than the money would be, if not collected.

XI. That in all prosecutions for criminal offences, a man hath a right to be heard by himself and his counsel,—to demand the cause and nature of his accusation,—to be confronted with the witnesses,—to call evidence in his favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty:—nor can he be compelled to give evidence against himself:—nor can any man be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

XII. Laws made to punish actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive and inconsistent with the fundamental principles of a free government.

XIII. Warrants, without oaths or affirmations first made, affording sufficient foundation for them, whereby any officer or messenger may be authorised or required to search suspected places, or to seize any person or persons, his, her, or their property, not therein particularly described, ought not to be granted in any criminal matter or complaint.

XIV. That when an issue in fact, proper for the cognizance of a jury, is joined in a court of law, the parties have a right to a trial by jury, which ought to be held sacred.

XV. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government:—and therefore the freedom of the press ought not to be restrained.

XVI. The freedom of deliberation, speech and debate in the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XVII. The power of suspending laws, or the execution of laws, ought never to be exercised, but by the Legislature, or by authority derived from it, to be exercised in such particular cases only, as the Legislature shall expressly provide for.

XVIII. That the people have a right to bear arms for the defence of the community. And as standing armies, in the time of peace, are dangerous to liberty, they ought not to be supported, unless there shall be imminent danger of an invasion, insurrection or rebellion, and then, only during the existence of those causes: and that the military should be kept under strict subordination to, and governed by, the civil power.

XIX. That no person in this commonwealth can, in any case, be subjected to law-martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

XX. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free: the people ought therefore, to pay particular attention to these points, in the choice of officers and representatives; and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

XXI. That all people have a natural and inherent right to emigrate from one State to another that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby, they can promote their own happiness.

XXII. That the people have a right, in a legal way, to assemble together in their respective towns to consult for their common good; to instruct their representatives, and to apply to the Legislature for redress of grievances, by address, petition, or remonstrance.

XXIII. That no person shall be liable to be transported out of this State, for trial for any offence committed within the same.

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.

SECTION I.

The Commonwealth or State of Vermont, shall be governed hereafter, by a Governor, (or Lieutenant-Governor,) Council, and an Assembly of the Representatives of the freemen of the same, in manner and form following. [1]*

SECTION II.

The supreme legislative power shall be vested in such Assembly. [2]

SECTION III.

The supreme executive power shall be vested in a Governor (or, in his absence, a Lieutenant-Governor) and Council. [3]

SECTION IV.

Courts of justice shall be maintained in every county in this State, [4] and also in new counties when formed; which courts shall be open for the trial of all causes proper for their cognizance, and justice shall be therein impartially administered, without corruption, or unnecessary delay.[23] The judges of the supreme court shall be justices of the peace throughout the State, and the several judges of the county courts in their respective counties, by virtue of their offices, (except in the trial of such causes as may be appealed to the county court.)

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* The figures enclosed in brackets, refer to the sections in the original Constitution; which may be seen in a preceding part of this volume,—page 241–55.

SECTION V.

A future Legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth; and also a court to correct the errors of the supreme court of judicature: provided they do not constitute themselves the judges of either of the said courts.

SECTION VI.

The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

SECTION VII.

To prevent unnecessary expense in legislation, for the more deliberate and expeditious proceeding in that important business, and that the freemen may be better and more equally represented, the whole number of Representatives in Assembly shall not exceed fifty; to be elected in manner following:*—each organized town in this State,[16] on the first Tuesday in September annually, shall have liberty to choose one able, discreet freeholder, to represent them in a county convention, to be held at such time and place as the Legislature shall by law, appoint; the members of which convention, when met, shall, by ballot, elect from their own body so many of said representatives (to consist of persons most noted for wisdom and virtue [7]) as the Legislature shall, in future, limit, having respect to the grand list of each county, in apportioning the number.

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* *The Council of Censors also propose, instead of the remainder of section VII, the following clause, to be at the election of the convention, viz:—The Legislature shall, in their first session after the approbation of this section of the Constitution, (having regard to the grand list, the local situation of, and the probability of a disproportionate increase of population in, the different districts) divide the whole State into fifty districts, to continue for three years next after the division;* [16] *and provide for the due and orderly election of one representative in Assembly from each district, in such manner that the votes shall be received in the respective towns. That the Legislature shall have power, (if a different increase of population in the respective districts shall render it necessary) twice in each septennary, forever hereafter, and no oftener, to divide the said districts in a more equal manner.*

SECTION VIII.

The representatives, so chosen, (a majority of whom shall constitute a quorum [9] for transacting any other business than raising a State tax, for which two thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled, The General Assembly of the State of Vermont: [8] they shall have power to choose their Speaker, Secretary of the State, their Clerk, and other necessary officers of the House—sit on their own adjournments—prepare bills, and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election: they may administer oaths or affirmations, in matters depending before them—redress grievances—impeach State criminals—grant charters of incorporation—constitute towns, boroughs, cities, and counties: they may annually, in the first session after their election, and at other times, when vacancies happen, choose delegates to Congress [10] (subsequent to the admission of this State into confederation with the United States;) and shall also, in conjunction with the Council, annually (or oftener if need be) elect judges of the supreme and several county and probate courts, sheriffs, and justices of the peace; [27] and also, with the Council, may elect major-generals and brigadier-generals, [42] from time to time, as often as there shall be occasion, to hold their offices during the pleasure of the Legislature: and they shall have all other powers necessary for the Legislature of a free and sovereign State: [8] but they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

SECTION IX.

The Council of this State shall consist of one able, discreet freeholder, to be chosen from each county in the State, by freemen residing in the same county, in manner following: [17]—The freemen of each town shall, annually, on the first Tuesday in September, bring in their votes for one Councillor, residing in the county in which such town lies, with his name fairly written, to the presiding officer of the meeting, who shall seal them up in the presence of the freemen, and write on the paper containing the same,—Votes for a Councillor,—and the name of the town where taken,* and deliver them to the person chosen to attend the county convention for the purpose of electing representatives in Assembly :—which convention, when met, (after choosing a chairman and clerk of the same) before their proceeding to the choice of representatives, shall sort and count the votes for a Councillor, and shall declare the person who has the greatest number of votes, duly elected for the year ensuing : and if there shall be a tie, the convention shall choose one of those who have the greatest number of votes, to be Councillor for the year ensuing ; which chairman shall give official notice of such choice to the person elected ; and the said notice shall be a sufficient credential of such election.

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* *If the Convention prefer the mode of dividing the State into districts for the choice of representatives, to that of choosing them in county convention;—the Council of Censors propose the following instead of the remainder of section IX, viz:—Which votes (at a certain time and place, to be appointed by the Legislature, in their first session after the approbation of this article) shall, by the several presiding officers of the freemen's meeting, or (in case of either of their necessary absence) by one of the selectmen of the same town, be delivered, sealed, to the high sheriff of the same county, or, in case of his necessary absence, to one of his deputies by the high sheriff appointed for the purpose, who shall be*

SECTION X.

The freemen of each town shall, on the first Tuesday of September, in every year, bring in to the constable, their votes for some able, discreet freeholder, residing in this State, to be Governor, [17] with his name fairly written ; who shall seal them up in the presence of the freemen, and write on the paper inclosing them,—Votes for Governor,—and the name of the town where taken, and deliver them to some representative chosen to attend the General Assembly : and at the opening of the said Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor. The Lieutenant-Governor and Treasurer shall also be chosen in the manner above directed.

SECTION XI.

The Governor, and in his [illegible]ce the Lieutenant-Governor, with the Council, (a major part of whom, including the Governor or Lieutenant-Governor, shall be a quorum to transact business) shall have power to commissionate all officers, [18]—and also to appoint officers, except where provision is, or shall be, otherwise made by law, or this Frame of Government ;—and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law, or this constitution.—They are to correspond with other States,—transact business with officers of government, civil and military, and to prepare such business as may appear to them necessary to lay before the

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moderator of the same meeting; and after a choice made of a clerk of the meeting by the persons convened, they shall sort and count the votes for a Councillor, and shall declare the person who has the greatest number of votes, duly elected for the year ensuing :—and if there shall be a tie, the persons convened shall choose one of those who have the greatest number of votes to be Councillor for the year then coming ;—which moderator shall give official notice of such choice to the person elected, and the said notice shall be a sufficient credential of such election.

General Assembly.—They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the judges of the supreme court;—and shall have power to grant pardons, and remit fines, in all cases whatsoever, except in treason and murder, in which they shall have power to grant reprieves, but not to pardon until after the end of the next session of Assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation.—They are also to take care that the laws be faithfully executed.—They are to expedite the execution of such measures as may be resolved upon by the General Assembly;—and they may draw upon the treasurer for such sums as may be appropriated by the House of Representatives.—They may also lay embargoes, or prohibit the exportation of any commodity, for any time, not exceeding thirty days, in the recess of the House only.—They may grant such licences as shall be directed by law, and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Captain-General and Commander in Chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only as long as they shall approve thereof: and the Lieutenant-Governor shall, by virtue of his office, be Lieutenant-General of all the forces of the State. The Governor, or Lieutenant-Governer, and the Council, shall meet at the time and place with the General Assembly: the Lieutenant-Governor shall, during the presence of the Commander in Chief, vote and act as one of the Council; and the Governor, and in his absence the Lieutenant-Governor, shall, by virtue of their offices, preside in Council, and have a casting, but no other vote. Every member of the Council shall be a justice of the peace for the whole State, by virtue of his office.[17] The Governor and Council shall have a clerk, and keep fair books of their proceedings, wherein any Councillor may enter his dissent, with his reasons to support it.

SECTION XII.

The representatives having met, and chosen their speaker and clerk,[9] shall, each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance herein after directed, (except where they shall produce certificates of their having theretofore taken and subscribed the same) as the following oath or affirmation, viz:

You ——— do solemnly swear (or affirm) that, as a member of this Assembly, you will not propose, or assent, to any bill, vote or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this State; but will, in all things, conduct yourself as a faithful, honest, representative and guardian of the people, according to the best of your judgment and abilities. (In case of an oath,) So help you God. (And in case of an affirmation) under the pains and penalties of perjury.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz:

You do believe in one God, the Creator and Governor of the universe, the rewarder of the good, and punisher of the wicked. And you do acknowledge the scriptures of the old and new testament, to be given by divine inspiration, and own and profess the Protestant religion.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

SECTION XIII.

The doors of the House in which the General Assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.[12]

SECTION XIV.

The votes and proceedings of the General Assembly shall be printed (when one third of the members think it necessary) as soon as conveniently may be, after the end of each session, with the yeas and nays on any question, when required by any member; except where the votes shall be taken by ballot, in which case every member shall have a right to insert the reasons of his vote upon the minutes.[13]

SECTION XV.

The stile of the laws of this State, in future to be passed, shall be,—*It is hereby enacted by the General Assembly of the State of Vermont.*[15]

SECTION XVI.

To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented,[14] all bills which originate in the Assembly, shall be laid before the Governor and Council, for their revision, and concurrence or proposals of amendment; who shall return the same to the Assembly, with their proposals of amendment (if any) in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the Legislature. Provided, that if the Governor and Council shall neglect or refuse to return any such bill to the Assembly, with written proposals of amendment, within five days, or before the rising of the Legislature, the same shall become a law.

SECTION XVII.

No person ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.

SECTION XVIII.

Every male freeholder, in the right of himself or his wife, of the age of twenty-one years and upwards, having resided in this State for the space of one whole year next preceding any election of representatives, or who has rented a tenement therein for the said time, of the yearly value of four pounds, and been rated, and actually paid taxes to this State for the same, who is of a quiet and peaceable behavior, shall be entitled to vote in the election of such officers as are to be chosen by the freemen.[6]

SECTION XIX.

The inhabitants of this commonwealth shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as the General Assembly shall, by law, direct. The several companies of militia shall, as often as vacancies happen, elect their captains and other inferior officers; and the captains and subalterns shall nominate and recommend the field officers of their respective regiments, who shall appoint their staff officers.[5]

SECTION XX.

All commissions shall be in the name of the freemen of the State of Vermont, sealed with the State seal, signed by the Governor, or in his absence, the Lieutenant-Governor, and attested by the Secretary of the State; which seal shall be kept by the said Secretary.[19]

SECTION XXI.

Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal for mal-administration. All impeachments shall be before the Governor, or Lieutenant-Governor, and Council, who shall hear and determine the same, and may award costs.[20]

SECTION XXII.

All officers shall be paid an adequate, but moderate, compensation for their services: and if any officer shall wittingly, and knowingly, take greater fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State:[23] and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature.[33] And no person shall be capable of holding any civil office in this State, except he has acquired and maintains a good moral character.[28]

SECTION XXIII.

No person, in this State, shall be capable of holding or exercising more than one of the following offices, at the same time, viz: Governor, Lieutenant-Governor, Delegate, Agent or Commissioner to Congress or any other State or Power, Chancellor, Judge of the Supreme Court, Treasurer of the State, member of the Council, member of the General Assembly, Surveyor-General, or Sheriff. Nor shall any person be capable of serving in the office of Governor, more than four years successively;

nor of re-election to the same office within four years from the expiration of the time for which he was last elected Nor shall any person be capable of serving as Treasurer of the State more than three years successively; nor capable of re-election to the same office after the said term, until his accounts as Treasurer are completely settled. And no person shall be capable of serving as High Sheriff for any county, more than three years successively; nor of re-appointment to the said office, within three years from the expiration of the said term.

SECTION XXIV.

The Treasurer of the State shall, before the Governor and Council, give sufficient security to the Secretary of the State, in behalf of the General Assembly; and each High Sheriff, before the first Judge of the county court, to the Treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums, as shall be directed by the Legislature.

SECTION XXV.

The Treasurer's accounts shall be annually audited, and a fair state thereof laid before the General Assembly, at their session in October.

SECTION XXVI.

Every officer, whether judicial, executive or military, in authority under this State, [36] before he enter upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless he shall produce evidence that he has before taken the same) and also the following oath or affirmation of office, (except such as shall be exempted by the Legislature) viz:—

The oath or affirmation of allegiance.

You ——— do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont; and that you will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. (If an oath) So help you God. (If an affirmation, under the pains and penalties of perjury.)

The oath or affirmation of office.

You ——— do solemnly swear (or affirm) that you will faithfully execute the office of —— for the —— of ——; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) So help you God. (If an affirmation, under the pains and penalties of perjury.)

SECTION XXVII.

Any delegate to Congress may be superceded at any time, by the General Assembly appointing another in his stead. No man shall be capable of being a delegate to represent this State in Congress, for more than three years in any term of six years;—and no person who holds any office in the gift of Congress, shall, during the time of his holding such office, be elected to represent this State in Congress. [10]

SECTION XXVIII.

Trials of issues proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries. [22]

SECTION XXIX.

All prosecutions shall commence—by the authority of the State of Vermont; all indictments shall conclude with these words—against the peace and dignity of the State.[24] And all fines shall be proportionate to the offices. [26.]

SECTION XXX.

The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties: [25] nor shall excessive bail be exacted for bailable offences. [26]

SECTION XXXI.

All elections, whether by the people, or in General Assembly, shall be by ballot, free and voluntary: and any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the laws shall direct. And any person who shall, directly or indirectly, give, promise or bestow any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject so such further punishment as a future Legislature shall direct. [29]

SECTION XXXII.

All deeds and conveyances of land shall be recorded in the town clerk's office in their respective towns, and, for want thereof, in the county clerk's office of the same county. [31]

SECTION XXXIII.

The Legislature shall regulate entails in such manner as to prevent perpetuities. [34]

SECTION XXXIV.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punishment less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital; whereby the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons: and all persons, at proper times, ought to be permitted to see them at their labor. [35]

SECTION XXXV.

The estates of such persons as may destroy their own lives shall not, for that offence, be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited, on account of such misfortune.

SECTION XXXVI.

Every person, of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year's residence, shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this State; except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, Councillor, or Representative in Assembly, until after two years residence. [38]

SECTION XXXVII.

The inhabitants of this State shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the General Assembly. [39]

SECTION XXXVIII.

Laws for the encouragement of virtue, and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: [41] and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth; and one or more grammar schools be incorporated, and properly supported in each county in this State. [40]

SECTION XXXIX.

All private property, within this State, shall be rated according to the true value thereof, in all taxes to be hereafter levied; except such personal property as may, from time to time, be exempted by the Legislature, for the encouragement of agriculture, arts, sciences and manufactures, or for relieving the poor and necessitous.

SECTION XL.

To prevent this commonwealth being perpetually drained of circulating specie, by uses not beneficial to the same, the Legislature ought to prevent corporations and societies in remote parts, (or any other person or persons in trust for them, or for their use) taking or holding any lands lying within this State, and to appropriate grants which have heretofore been made to such societies or corporations, to the use of literature within this community.[41] Provided, on account of the contiguity and usefulness of the corporation of Dartmouth College to this State, this section shall not be understood to affect the said corporation, while the College is maintained in the town where it now stands.

SECTION XLI.

The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the constitution of this commonwealth; and ought not to be violated, on any pretence whatsoever. [43]

SECTION XLII.

That the freedom of this commonwealth may be preserved inviolate for ever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and ninety-two, and in every seven years thereafter, in such modes as the Legislature shall by a future act particularly direct, thirteen persons, to be called the Council of Censors; who shall be elected from the number of those freemen who are not then members of either the Council or General Assembly, and meet together on the first Wednesday of June next ensuing their election; (a majority of whom shall be a quorum in every case, except as to calling a convention, in which two thirds of the whole number elected shall agree)—whose duty it shall be to inquire, whether the constitution has been preserved inviolate in every part during the last septenary; (including the year of their service)—and whether the legislative and executive branches of government have performed their duty, as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the constitution. They are also to inquire whether the public taxes have been justly laid and collected in all parts of this commonwealth:—in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records; (and if any person shall neglect or refuse to attend them, and give any information required by the said Council (if able,) or to deliver to them any papers or records in his or her custody, which shall be wanted by them in the course of their inquiry; upon the complaint of said Council to any justice of the peace, he or she shall (unless sufficient cause be shown to the contrary) be committed, by such justice, to the common goal, there to remain until he or she shall deliver up such papers or records, or (if able) give such information as is required, and pay costs of prosecution.)*—They also shall have authority to pass public censures,—to order impeachments, and to recommend to the Legislature the repealing such laws, as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer.—The said Council of Censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective,—explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people: but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least three months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject. [44]

SECTION XLIII.

The next election of Councillors and Representatives shall be in those of the modes mentioned in the preceding Frame of Government, which shall be thought most eligible by the convention, appointed to determine upon the alterations recommended by this Council of Censors, to be made in this constitution: and the persons chosen shall convene, on the second Thursday in October next, at such place as the present Assembly shall appoint. And the said convention is invested with power (for the next election only) to divide the State into districts, or apportion the number of Representatives to the several counties, as the said convention shall think just. And it is hereby recommended to the said convention to ascertain a mode of election, and publish it for the information of the freemen, as seasonably as may be.

[*Note.*—For the word *offices*, which, in a few copies, will be found at the close of the 29th section of the foregoing Constitution, read *offences.*]

In Council of Censors, October 20, 1785.

Whereas, there appears to this Council, for the preservation of the rights and happiness of the people an absolute necessity of amending and explaining several articles of the constitution of this State, and of making some additions thereto.

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* The addition here proposed, to the 44th section of the original Constitution, it is presumed, was suggested by the refusal of Col. Matthew Lyon, to deliver the records of the court of confiscation to the Council of Censors; as appears by the following resolution of the 15th of October, 1785, found in their journal, viz ;—

" *Resolved*, that Col Matthew Lyon be impeached before the Governor and Council of this State, for refusing to deliver to the order of this board, the records of the court of confiscation ; and that the President be directed to acquaint the House of Assembly therewith, and request them to appoint council to prosecute the same to effect, during the present session of the Legislature."

Therefore, by virtue of the power and authority vested in this Council by the 44th section of the Frame of Government, it is unanimously

Resolved, that the first constable of each town in this State be, and is hereby directed, at least six, and not more than twelve days, previous to the second Tuesday of June next, to warn a meeting of the inhabitants of their respective towns, to be held at the usual place of holding freemen's meetings within the same, at two o'clock in the afternoon of the said second Tuesday of June, (by giving personal notice thereof) then and there (if they shall see proper) to elect one member of a convention, to be held for the purposes abovementioned, in the same manner as Representatives in Assembly are legally to be chosen: and that the said constable, or in case of his absence the town clerk, certify the due election of the person chosen.

And that it be, and is hereby recommended to the said members of convention, to convene on the last Thursday of said June, at the meeting-house in Manchester, to carry into execution the important purposes of their appointment.

And in order to have the persons authorised to determine upon the propriety of the several alterations proposed in the constitution, unbiassed by interest,

Resolved, that in the opinion of this Council, the Governor, Lieutenant-Governor, Treasurer of the State, members of the Council of the State, Council of Censors, or General Assembly, officers who hold their commissions during good behaviour, and other officers who may be interested by the alterations proposed to be made in the constitution, ought not to be elected members of such convention.

Extract from the minutes,

MICAH TOWNSEND, *Secretary*.

ADDRESS

OF THE COUNCIL OF CENSORS.

To the Freemen of the State of Vermont:

YOUR Council of Censors, elected agreeably to the XLIVth section of the Constitution, after having maturely considered the Frame of Government which has been the rule of political conduct for the inhabitants of this State, the last septenary; highly approving the principal part of it; with the greatest diffidence of their own judgment, and respect for the patriotism and abilities possessed by the formers of the present Constitution, have proposed certain alterations, heretofore offered to your consideration. In so doing, we principally had in view rendering government less expensive, and more wise and energetic; objects, in the opinion of this Council, more especially during the infancy of a commonwealth, worthy the attention of its freemen. The taxes which have been collected some years past for the support of government, demonstrate the expediency of the former; and every man's observation will suggest to him the necessity, for our political happiness and credit, of having government properly maintained, and the judicial and executive offices therein, filled by persons of the greatest wisdom and virtue.

In the proposed alterations, we endeavored to guard, in future, against what is esteemed by this Council (our circumstances considered) to have been an error in the Constitution—electing persons to judicial and executive trusts, during good behavior: as it invested them with estates in their offices, which, without an alteration of the Frame of Government, cannot be legally taken from them, but by proving, in a judicial course of proceeding, instances of mal-administration. We therefore left it in the power of the Governor, Council, and Assembly, (whom we view in the present condition of the State, to be most competent to the election of judicial, and the several executive officers, which, in the proposed alterations, they are authorised to choose) annually to leave out any one who shall be found unequal to, or otherwise improper for, his trust, and appoint a more suitable person in his place. But this Council is not without hope that the ensuing septenary will furnish men so adequate to those offices, that the tenure of them may, consistent with the public interest, be put upon a more stable footing.

We also endeavored, after the example of some other States, to guard against the future introduction of an aristocratic power, destructive of the common weal, by providing that the same person should not, at one time, be invested with too many important offices, especially where one would be a hindrance to his properly discharging the duties of the other. And likewise to prevent any family, or party, in future, having it in their power to establish a set of connexions, prejudicial to the community, by providing that certain officers, of the greatest influence and importance, should, at stated periods, be reduced to the common level; and by being thus constantly reminded of their political mortality, be induced to act well their parts while on the stage.

This Council proposed for your option two plans for electing Councillors and Representatives in Assembly, each differing from the mode now in use, but one of them necessarily consequent to the design of reducing the number: if either meets with your approbation, we shall be happy; yet cannot but wish the choice of Representatives in a county convention may have a trial for one septenary.

In reviewing the proceedings of the legislative and executive branches of government, and examining whether they have performed their duty, "as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they were entitled to by the Constitution," it affords us great pleasure to find matters of commendation, yet accompanied with the mortification of having some to censure. But as the

Constitution has allotted us solely, the last, and more unpleasing task, we can only in general observe, that, under God, this commonwealth is much indebted, even for its present existence as a separate community, to that undaunted firmness, and prudent vigilance for the public safety, which has been usually maintained in the legislative and executive departments, since the era of our independence. At open war with the most potent nation in Europe;—frequently threatened with invasions from a sister State, and, by her insidious arts, a powerful disaffection fomented within the bowels of this commonwealth—denied relief from the authority who alone, under Heaven, could give it;—we have reason to look up, with gratitude, to that Being who is wisdom, and by whom a few husbandmen, unexperienced in the arts of governing, have been enabled to pilot the ship through storms and quicksands, into the haven of independence and safety; and to admire when we consider how much was to be done, and by whom, that it has been so well done.

But we are obliged to check such agreeable thoughts, and however irksome to our feelings, turn our attention to the province allotted us; censuring such unconstitutional proceedings as may be drawn into precedent, if left unnoticed.

We would premise in the words of Judge Blackstone, that, "in all tyrannical governments, the right both of making and enforcing the laws, is vested in one and the same man, or one and the same body of men, and wherever these two powers are united together, there can be no public liberty." The convention who framed the Constitution of this State, aware of this, by a decided distribution of power, assigned the legislative authority to the Representatives of the people in General Assembly, and the supreme executive, to the Governor and Council; and from the last, again severed the judicial, and rendered it independent of both. And to preserve this balance of power, thus carefully made, and guard against any encroachment of one on the proper authority of either of the other, the convention made it the duty of the Council of Censors to inquire, "whether the legislative and executive branches of government have assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution."

In how many soever instances, therefore, the legislative and executive authorities have transgressed the limits marked out to them by the Constitution, and intruded upon the province allotted to the other, (whatever temporary reasons they might have for so doing) they are certainly, in those particulars, deserving of severe censure, as such conduct, from persons entrusted with the important charge of making and executing laws, (by trampling upon the fundamentals of government, which ought to be held sacred) naturally tends to introduce tyranny on the one hand, or anarchy on the other.

In some instances, however, it is probable that the Constitution has been invaded through necessity, in times of extreme danger, when good men were induced to hazard all consequences for the sake of preserving our existence as a people; yet in a review of these proceedings, we have thought proper to advert even to such breaches of the Constitution, lest they should be made use of as precedents when no such necessity shall exist.

Some instances of the Council's assuming power not delegated to them, we now proceed to select from their journal.

On the 17th June, and 20th October, 1778, they take the very extraordinary step of divorcing Laurania M'Clane,* and Ruth Chamberlain, from their respective husbands, and declaring their right of marrying again.

On the 14th November, 1781, they resolve, that Doctor John Page, be remitted one fourth part of the debt due from him to Colonel William Marsh, on account of his debts being contracted in Continental money. It is to be observed that the debts of Colonel Marsh, by the confiscation of his estate, had, before that time, become the property of this commonwealth; and that in April, 1781, the law fixing a general scale of depreciation for all debts contracted in continental money, had passed. Why then, Doctor Page should be made an exception to the general rule, or from whence the authority was derived, that, in this instance, altered or dispensed with the operation of the law, we are left in the dark.

In the several acts of the Legislature respecting the survey of town lines, the Governor and Council are, in the opinion of this Board, invested with the sole power and trust of adjusting the accounts of the several persons employed in running those lines: yet we find that in March, 1784, the Council resolve, "That the Surveyor-General settle the accounts of the several Surveyors under his direction, for their services in running town lines, and draw orders therefor, or for the payment thereof, on the hard money tax."

This (however respectable the character of the Surveyor-General may be) appears to this Council to have been delegating a trust, committed to them solely to execute, and into very unsuitable hands, as it effectually destroyed the check intended by the Legislature upon the Surveyor's department. And in the view of this Council, it was a disposition of the public money not intended or authorised by the Legislature, as ample provision appears to have been made by law for compelling the proprietors and inhabitants of the several towns to defray the expense of those surveys.

On the 15th February, 1782, the Legislature enacted, "that *all* public acts, papers and records, that belong to the State, (excepting the particular records and papers of the Council) be deposited and remain in the hands of the Secretary of State." "That he attest and register charters of incorporation, grant copies of all records," &c.* On the 10th March, 1784, the Council resolve, "that the Secretary of Council keep in his office, all the records, and copies of charters of lands granted previous to October, 1781;" and that, "on account of the disputes respecting bounds of townships, which may occasion the alteration of some charters already given, he be directed not to record any more charters, till the further order of Council."

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* See the act divorcing Laurania M'Clane, page 240.—† See page 444.

How the Secretary of State, and Secretary of the Council, can both, at the same time, possess the records of charters granted previous to October, 1781; or from whence the Council derive their power to alter or contravene acts of the Legislature, when it is by the Constitution made a principal part of their duty to see them faithfully executed, is beyond our comprehension: nor do we readily conceive in what manner charters already completed, can, with propriety, suffer an alteration.

On the 9th March, 1784, the General Assembly, in order to facilitate what had been so long and ardently wished for by them, and every good subject of this State, a final settlement of the public accounts, to enable the auditors to detect embezzlements, (if any) and the Legislature to provide for the payment of debts due from confiscated estates; made it the duty of the auditors to call on all persons who had acted in the capacity of commissioners of sequestration, &c. for such books, bonds, deeds, notes, and papers, as had come to their possession by virtue of their appointment; and the said books and papers to inspect, examine, and liquidate; and to record in proper books, the estates, real and personal, which had been confiscated; specifying which had been sold, by whom, and whose order, and the several amounts in real value. And if any person possessed of any such public papers, should neglect to deliver them to the auditors, after demand made by them in writing for that purpose, he was, by said act, to forfeit a sum, not exceeding twenty-five thousand pounds.

The auditors having (as this Council is informed) made such demand in writing, of the Honorable John Fasset, Esq., for the papers in his custody as commissioner of sequestration and sales, and he having refused delivering them agreeable to the demand, the auditors directed a suit to be commenced against him for the penalty contained in the act. Subsequent to which, (we do not assert it was done with the view of embarrassing the auditors in the performance of their duty, or of screening one of their members, but it had this effect) on the 16th of October, 1784, the Council received papers of this kind from Mr. Fasset, (by him declared on oath to be the whole, to the best of his knowledge and remembrance) which had come to his hands as commissioner of sequestration, and discharged him therefrom accordingly. Of this transaction, (although a quorum of the auditors were then, and for thirteen days after, at the place where the Council sat) the auditors were kept in profound ignorance; and if the uncommon severity of the season had not prevented, the sheriff would have served their writ upon Judge Fasset some time after he was discharged from the papers by the Council. How the auditors are now to come at those papers, time must discover.

It appears from the journal of Assembly, that in February session, 1782, a grant was made to John Wheeler and his associates, of a gore of land adjoining Lunenburgh; but difficulties having occurred in ascertaining the precise local situation of Lunenburgh, it appears from the journal of Council, that a charter was directed to be made out on the 28th of October last, of another gore, in lieu of the former, but without a previous grant being made by the Assembly. This proceeding being so evident an infringement upon the power vested in the Assembly, and at so late a period, calls for the severest censure of the freemen, and of this Council.

We now beg your attention in a retrospective view of such acts of the Legislature as we have selected for that purpose, some of which are of general concern, and very important in their consequences, while the operation of others is confined within narrow limits, and scarcely worthy public notice for any other reason than lest they be drawn into precedent.

We would previously observe, in the words of the great Mr. Locke, who, speaking of legislative power, lays it down as the fundamental law of all commonwealths, "that the legislative cannot assume to itself a power to rule by extemporary and arbitrary decrees, but is bound to dispense law and justice, and to decide the rights of the subject by promulgated, standing laws, and known authorised judges. And that men give up their natural independence to society, with this trust, that they shall be governed by known laws; otherwise their peace, quiet, and propriety, will be in the same uncertainty as in a state of nature."

The first act of legislation we shall notice, is the last clause of a statute passed 23d February, 1779, entitled, "An act making the laws of this State temporary;"* by which it is enacted, "That no court or justice, shall take cognizance of any matter or thing, in which the title of land is concerned, or in any action of contract, where the parties appear to have made a bargain or contract, by note, bond, debts, or agreement in writing, or otherwise; any act or law to the contrary notwithstanding." This statute, together with those other passed from time to time, prohibiting the trial of the titles to land, appears to this Council to militate against the ninth article in the Bill of Rights, which is expressive of the design of forming social compacts, viz: "That every member of society hath a right to be protected in the enjoyment of life, liberty, and property,"—against the thirteenth article in the Bill of Rights, "That, in controversies respecting property, and in suits between man and man, the parties have a right to a trial by jury, which ought to be held sacred:" and also against these words of the XXIIId section in the Frame of Government,—"All courts shall be open, and justice shall be impartially administered, without corruption or unnecessary delay."

We would ask how property is to be legally protected, if not by the several courts administering justice, according to the known laws of the land? How parties can be said to enjoy their right of trial by jury, when the Legislature prohibit a trial of any kind? And how courts can with propriety be called open, within the meaning of the Constitution, or justice be administered therein impartially, without unnecessary delay, when they are disenabled to take cognizance of any matter wherein the title of land is concerned, and of any action founded upon a contract; which are nine tenths of the causes where justice is sought? How far the singular condition of real property within this commonwealth, and our peculiar political situation, ought to extenuate shutting the courts of justice with respect to landed property, is with you to decide: but a Legislature's preventing suits being brought upon *all private contracts*, is an unheard of transaction, and one which we presume will not be accounted for by the impartial world, and by posterity, upon principles very honorable to the promoters of it.

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* See page 383.

The laws to prohibit the judicial courts trying land titles, above alluded to, passed 22d October, 1779,*—8th November, 1780†—5th March, 1784,‡ and 29th October, 1784.§

The act passed by the Legislature on the 22d of October, 1779, "appointing commissioners for the better regulating titles of land within this State, and declaring their power,"|| (although this Council is not informed that any trials in pursuance of it have been completed) ought not to escape your notice.

This act appoints five persons, commissioners, any three of whom are empowered to take into consideration, and fully examine, all the evidence relating to, or respecting, the titles of controverted lands in this State: to send for persons; to administer oaths; to call upon the parties for charters, patents, deeds of conveyances, &c. and to examine the parties upon oath. And they were to make report to the Assembly, at their next session in October, which of the various claimants to the same land, ought, *in justice and equity*, to possess, and forever hold the fee of, said land, &c. &c. The act prescribes a mode of process for convening the parties, makes provision for hearing them for and against the report of the commissioners, and declares, that the resolution of the Assembly thereupon (when recorded) shall be an indisputable title to the lands, against all parties in the trial.

It is very usual for all public bodies, whether consisting of one, or many natural ones, whose power is short of despotic, to wish for an increase of it; and to aim at that object as invariably as the needle, without obstruction, points to the pole. Here was an extensive grasp at the agreeable desideratum of uncontrolled dominion: trials by jury, in the most important disputes concerning property, wholly thrown aside: the Legislature assuming to themselves the judicial power, so far as respected all the permanent property in the State, and casting aside all restraints of law in their decisions, they were to determine every cause, without being shackled with rules, but by their crude notions of equity; or in other words, according to their sovereign will and pleasure; by which means, all the landed interest in the commonwealth (which, in other nations and States, has constantly been viewed as sure and permanent to the owner) would be at the absolute disposal of the legislators, and the surest title to an estate in Vermont would be the favor of its Assembly: and this chain of adamant would be effectually riveted, as redress (without a dissolution of government) could not be expected; none but the Legislature, whose interest it would be to withhold it, being competent to give it.

What means were made use of by a kind over-ruling providence to prevent this law being carried into execution we have not learned, but have much reason to be grateful for the event.

The last preceding observations render it unnecessary to say any thing more respecting an act passed October 22d, 1779, entitled, "An act constituting the superior court a court of equity, and declaring their power;"* and an act passed 22d February, 1781, "For quieting disputes concerning landed property;"† than that they appear to have originated from the same source; and were designed to exalt the legislative, at the expense of the judicial department; as the former gives the Governor, Council, and Assembly, the powers of a court of chancery, in all causes exceeding four thousand pounds consequence, and the latter erects them into a court for the decision of all disputes between proprietors holding under different charters issued by the same authority.

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* See page 392.—† See page 405.—‡ See page 488.—§ See page 494.—|| See page 392.

The several statutes passed for obliging creditors to accept the produce of the country, in lieu of money, are also considered by this Council as violations of that protection, which, by the general and fundamental laws of society, and by the ninth article in the Bill of Rights above mentioned, every individual has a right to expect for his property, upon his entering into civil society. We leave them however, (if that can be the case) to be justified by the extremity of the times, and hope for better, when such expedients shall be thought unnecessary.

The act alluded to in the last preceding observation, passed 21st June, 1782;‡ October 21st, 1782;§ and 25th February, 1783.||

The act to suspend prosecutions against Joseph Farnsworth, Esq.¶ passed 29th October, 1784, is also esteemed by this Council to merit the serious attention of the freemen of a commonwealth, which has yet a character to gain amongst the kingdoms and States of the earth. It declared, "That no actions should be commenced, prosecuted, or proceeded in, against Joseph Farnsworth, Esq. commissary-general of purchases, for contracts made by him in his public capacity, as commissary, until the rising of the Legislature in October then next."

It is the undoubted duty of the Legislature, when there is an absolute necessity of substituting credit for money, to do it with as much caution as a prudent man would in his private affairs; and as carefully to guard against a diminution of that credit, by providing means of payment at the prefixed time, as a discreet merchant would in his mercantile transactions: and if a State is deficient in these prudential maxims, the odium ought to be proportionate to the magnitude of the consequences.

It is therefore, with real concern this Council observes, that so many precedents have been afforded of late years, in this western hemisphere, of breach of contracts made on behalf, and by authority of, the public, as with many, in a great degree, to sanctify the measure: and that, after proceeding from one delusion to another, it has terminated in the almost total loss of public credit. And it is with equal satisfaction we have remarked that this State has, in general, shewn an honest disposition in fulfilling its contracts with individuals, so far as has been in the power of government, by paying them something of real value. This the Legislature has been enabled to perform, by levying taxes in some degree proportionate to the public expenses, and enforcing the collection of them: and if the exigencies of the community have necessitated the contraction of debts, the good disposition manifested in discharging those debts, has preserved our public credit with individuals; and the trifling depreciation, which the public securities of this State have at times undergone, has proceeded rather from a scarcity of specie, and the example of surrounding States, than a fear of their being redeemed at their original value.

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* See page 391.—† See page 424.—‡ See page 455—§ See page 461 —|| See page 470.
¶ See page 494.

The act above mentioned in favor of Mr. Farnsworth, is considered by this Council as one stride towards the destruction of that credit; and the more injurious to the persons interested, as they must have waited a considerable time upon the public, before passing this act. A few more legislative procrastinations would have taught individuals the folly of trusting their property *where the power and disposition to evade payment were united.*

It behooves the freemen, in the opinion of this Board, as a matter of the last importance, to keep a watchful eye over every step of government which tends to sap public credit, and to manifest their severest resentment thereat.

We cannot dissolve the Council of Censors, with the pleasing satisfaction of having conscientiously discharged the trust reposed in us, if we omit noticing (however disagreeable it may be to many influential persons in this commonwealth) a law passed by the Legislature in their last session, under the title of, "An act for settling disputes respecting landed property."* This Council is of opinion, considering the various difficulties of coming to the knowledge of a good title to lands in this commonwealth, which originated from, and have been cherished by, the contentions of different States claiming this territory, it is equitable that provision should be made by the Legislature, in favor of persons who made *bona fide* purchases from pretended owners, while it was out of their power to know with certainty in whom the title was vested; (though we cannot agree in sentiment with the Legislature, that the defrauded purchasor should be allowed to recover his damages, both from his voucher and the owner of the soil.) But that trespassers, who have no pretence of a title, should, by legislative authority, be enabled to recover from the legal owners, (who, in numberless instances, have been kept out of possession, sorely against their will, and to their great impoverishment) the value of their improvements, is sanctifying iniquity by law; and, by a *post facto* act, depriving the owners of such property, of their right of action against the trespassers: (which remedy, when the intruder has done more injury than benefit to the farm, it is equitable the owner should have) and it is giving a reward to persons for transgressing the laws. In whatever light this part of the act is viewed, it may truly be said to be unprecedented and unparalleled; and will, unless revised and materially altered, be an indelible blot in the annals of our history, afford our enemies the most solid argument they have yet offered against the reasonableness of our existence as a sovereign State, and be the greatest inducement to our friends to desert us, as having too little wisdom, or too much cunning, to hold the reins of an independent government.

We are sorry occasion is afforded us to remark, that the Legislature, especially in the former part of the septenary, have in some instances deviated from the humane spirit manifested in the XXVIth section of the

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* See page 500.

Frame of Government: that by directing corporal punishment to be inflicted for offences not infamous in their natures, that chastisement is rendered less disgraceful to the delinquent, and less beneficial to society, where the crimes require it.

Nor ought the fickleness of the Legislature, and their want of deliberation in passing laws, to escape the observation of this Council. Few acts, of general concern, but have undergone alterations at the next session after the passing of them; and some of them at many different sessions: the revised laws have been altered—re-altered—made better—made worse; and kept in such a fluctuating position, that persons in civil commission scarce know what is law, or how to regulate their conduct in the determination of causes. If the Legislature in this particular have *intended* to be faithful guardians of the people, they have *acted* as very unsteady or improvident ones.*

It is the opinion of this Council, that the General Assembly, in all the instances where they have vacated judgments, recovered in due course of law, (except where the particular circumstances of the case evidently made it necessary to grant a new trial) have exercised a power not delegated, or intended to be delegated, to them, by the Constitution. This mode of proceeding is an assumption of the judicial power in the last resort, and renders nugatory that important article in the Bill of Rights which provides, "That in all suits between man and man, the parties have *a right to a trial by jury, which ought to be held sacred.*" It supercedes the necessity of any other law than the pleasure of the Assembly, and of any other court than themselves: for it is an imposition on the suitor, to give him the trouble of obtaining, after several expensive trials, a final judgment agreeably to the known established laws of the land; if the Legislature, by a sovereign act, can interfere, reverse the judgment, and decree in such manner, as they, unfettered by rules, shall think proper. If such is their constitutional authority, it would be a mercy to prohibit any other persons than themselves the exercise of judicial powers. The legislative body is, in truth, by no means competent to the determination of causes between party and party, nor was, by our Constitution, or that of any other country who make pretences to freedom, ever considered so (not taking into view the amazing expense it would bring upon the public, and the disadvantage of its engrossing that time which ought to be occupied in their more important and proper employment of legislating.)

If one set of men are to enact and execute our laws, and when they do not find one to answer a particular purpose, to make it *instanter;* or in other words, if they are to possess all the authority as judges, which they, as (legislators, are pleased, from time to time, to confer on themselves, unhappy indeed is the lot of this people.

The instances alluded to of judgments being vacated by legislative acts are as follows, viz. "An act to set aside, and render null and void in law, a certain order therein mentioned," passed 6th March, 1784:†

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* The application of this censure to later periods in the history of Vermont legislation, is too striking to escape notice. It is not, however, the only part of this address which may be profitably read by the legislators of the present day.

† See page 488.

"An act to reverse the several judgments therein mentioned," passed 9th March, 1784:[*] "An act to secure Daniel Marsh in the possession of a certain farm, until he shall have opportunity of recovering his betterments, and nullifying several judgments rendered against him," passed 18th June, 1785:[†] and, "An act confirming Andrew Graham, of Putney, in the county of Windham, in the quiet and peaceable possession of the farm on which he now lives, in said Putney; and rendering all judgments respecting the possession of the same, heretofore had and rendered, by any court of law whatsoever, null and void;" passed 18th June, 1785.[‡]

Similar to annulling judgments, is the power exercised of staying executions after judgments rendered; of which, in reviewing the acts of legislation, we find two instances: one entitled, "An act to stay the execution on a judgment given by the superior court, against Witherly Wittum, Malachi Wittum, and Witherly Wittum, Jun. in favor of David Caswell and Thomas White," passed 25th February, 1782:[§] the other passed 8th March, 1784, entitled, "An act to stay an execution, and grant a sum of money for the purpose of paying and satisfying the said execution."[‖] [The title of this last act, it is to be observed, carries a greater shew than substance of equity in it: the State was obliged in honor, and by promise, to indemnify the defendants: the act, after judgment, constrained the creditor to take public securities at par, both for his damages, and a large bill of costs expended in the suit.]

Granting pardons by the Legislature, (except in cases of impeachment, and perhaps in those of treason and murder) is an evident infringement upon the constitutional prerogative of the executive Council, and as such, ought not to escape your notice. Yet we find this power exercised by the Assembly on the 26th of October, 1784, in the way of resolution (which was exceptionable for the mode, if on no other account) in the following words, viz: "Resolved, that Lemuel Roberts, and Noel Potter, be, and they are hereby pardoned (on account of their former merit and present submission) for their offence against the peace and dignity of the freemen of this State, in being concerned in, and leading on in a riot, for the rescuing one Carr, out of the hands of the Sheriff's deputy, some time in May last."

If the exercise of this power had been left in its constitutional channel, *former merit and present submission*, might perhaps, have been considered as proper reasons for mitigating the fines, but not for complete pardons, in crimes tending to the dissolution of government.

Although this Council conceives the check intended by the XIVth section of the Frame of Government,[¶] if carried into execution, to be very inconvenient in practice, and expensive to the State; yet, while the Constitution absolutely requires bills of a public nature to be printed for the consideration of the people, before they are passed into laws, we cannot esteem the legislature excusable in omitting it; and the notion of treating the general system of our statutes as temporary, we consider as an evasion of an article in the Constitution, thought by the Convention to be of importance.

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[*] See page 491.—[†] See page 499.—[‡] See page 500.

[§] See page 445. For *Witkerby*, in the title of the act here referred to, read *Witherly*. See page 489.—[¶] See page 249.

On the 28th of February, 1782, the Legislature passed a law, entitled, "An act empowering Colonel Samuel Robinson, to give a deed of the lands hereafter described, to the heirs of William Emms, deceased; and vacating a certain deed of the premises obtained in a fraudulent manner, by John Blackledge Emms, from said Samuel Robinson."* This Council cannot here omit observing, in addition to the reasons already given against the Legislature's exercising judicial powers, and reversing judgments, that the practice of legislating for individuals, and for particular cases, is much too frequent. If a subject feels himself aggrieved, and thinks the law incompetent to give him redress, he immediately applies to the Assembly; and too often, laws are suddenly passed upon such application, to relieve in particular cases, which introduce confusion into the general system, or are afterwards discovered to be wholly unnecessary. The act last mentioned (admitting the Legislature to be a proper court for determining whether a deed was fraudulently procured) was entirely needless;—the supreme court, possessing the powers both of a court of law and equity, being able to give proper relief in this and all other cases of fraud. When a person obtains a property, which the law of the land at the time of acquiring it, esteems a legal and equitable estate, if he is divested of it by a sovereign act of power, he has a right to complain of the injury; and all men of interest have a right, and it is their duty, to be alarmed at the precedent: if this was not the case, Colonel Robinson ought not to have applied to the Assembly, or they to have interfered.

That part of the act passed in the last session of the Legislature, for erecting the new county of Addison, which authorises the Governor and Council to appoint county officers therein, for the time being, is esteemed by this Board to be an unnecessary violation of the XXVIIth section of the Frame of Government. We are unable to imagine the particular circumstances of this part of the commonwealth to have been such, as to require adopting so extraordinary a measure, for any other purpose than to give a lead at some future county election.

In our enquiries whether "the public taxes have been justly laid and collected in all parts of this commonwealth;" we must offer it as our opinion, that neither has been fully the case. With regard to the equal collection of them, so many occurrences have intervened, known to the freemen at large, that the executive part of government does not appear greatly deserving of censure for their remissness in this respect; but in apportioning the taxes, this Council does not believe full justice has been done: all our towns are new, and a part of the most populous ones still uncultivated;—tradesmen of all kinds, and men of genius, are every where much wanted:—it must not certainly be therefore, as "good guardians of the people," that *faculties are rated*, and *unimproved real property*, and *articles of luxury, left without assessment.* In the opinion of this Council, visible property, in proportion to its real value, is the only fit subject of taxation (except the Legislature shall find it expedient

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[*] See page 449.

to impose a small tax on polls, not minors, for personal protection;) and every deviation from this rule, whether to exculpate one class of men, or to harrass another, is an error in government, and ought to be exploded our future system of taxation.

One branch of the duty assigned this Council is to enquire "in what manner the public monies have been disposed of." In discharging this part of the trust reposed in us, we cannot omit mentioning the dissipation of a considerable part of the public lands in this State, at so early a period that settlements could not be made, and in most cases were not stipulated to be made, before the conclusion of the war; and at a time when actual surveys could not be performed: by which means an ample foundation is laid for the confusion proceeding from interfering grants—a door open for a variety of lawsuits, and applications to the Legislature to procure compensation for lands which the grantees are unable to hold; and the public is deprived of a fund, which, if rightly managed, would probably defray the ordinary expenses of government. The ungranted and confiscated lands seem to have been a boon conferred by providence, for the support of our republic in its infancy, while its subjects were unable to pay taxes: yet the first septenary has seen the whole, or nearly the whole of them, squandered; and the inhabitants will have reason to think themselves peculiarly fortunate, if they yet escape paying considerable sums on account of them. How far the peculiar difficulties the State has been obliged to struggle through, ought to excuse this lavish disposition of the public property, must be decided by you, to whom all officers are mediately, or immediately, accountable for their conduct.

This Council is not insensible that the freemen look to this Board for information, with respect to the confiscation and sale of the estates of persons who joined the enemy; and are unhappy, that, after obtaining all the light in our power, we think it most prudent to refer them to such report as the auditors shall make on this subject. And we are also unhappy, that, being destitute of a complete state of the public accounts from the auditors, (which we have repeatedly requested of them) it is out of our power to make further enquiries in what manner the public monies have been disposed of. Nor ought this Council here to omit noticing that the General Assemblies, previous to February, 1784, are, in the idea of this Council, highly censurable for omitting to enact laws adequate to compel the annual liquidation of the public accounts: and that the Council are not free from blame for the appointment, and continuance of persons in office of great public trust, who did not keep regular books: by which means (we conclude, from the information of those auditors who have taken an active part in the business) several public accounts of a very important nature, can never be properly adjusted; and the *defaulters of unaccounted thousands* will probably reserve them for their families.

We have now, in an imperfect manner, finished the important and invidious task allotted this Council—censuring the proceedings of the supreme legislative and executive branches of government, composed of gentlemen of the best characters, and greatest influence, in the commonwealth. A principle of duty has led us to speak our sentiments with a freedom, which, we are not insensible, will be disagreeable to many: but as we have been actuated solely by a desire of contributing our mite to the honor and felicity of the community, and are conscious of no sinister or personal motives in our proceedings, we cheerfully submit our opinions to your candid consideration; and if we are so unhappy as materially to differ in sentiment from that respectable body, the freemen of the State of Vermont, we must console ourselves with the pleasure of having meant well, and that it is the lot of humanity to err.

By order of the Council of Censors,

INCREASE MOSELEY, *President.*

Bennington, 14th February, 1786.

PROCEEDINGS

OF THE

SECOND COUNCIL OF CENSORS.

THE compiler had not intended to exhibit any further view of the proceedings under the 44th section of the Constitution, than is presented in those of the first Council of Censors; but, on examining the Constitution, as revised by the *second* Council, in the year 1792, it is found to contain several proposed amendments, which it is deemed important to preserve. The compiler has thought it unnecessary, however, to encumber this collection with an entire copy of that Constitution; believing that every important purpose may be answered by the following abstract of those provisions which materially vary from the Constitution now in force.

LEGISLATIVE POWER.

The Council proposed that the supreme legislative power should be vested in a Senate and House of Representatives:—that, for the first septenary, the Senate should be composed of members from, and to be elected by, the several counties, as follows, viz:—Bennington and Orange counties, each, two; Windham, Windsor, and Rutland, each, three; Addison and Chittenden, each, one, and every new county, which might be thereafter organized, one; and that, after the first septenary, each county might elect one senator for every eight thousand souls in such county; and that any county containing a less number, might elect one. The votes for senators were to be taken on the first Tuesday of September, annually, and returned to, and canvassed by, the judges of the county court.—That the judges of the county courts should be ineligible as senators, and that senators should be incapable of holding any office in the judiciary department.

The House of Representatives, it was proposed, should consist of one member from each town, containing, at the time of election, forty families; and that the freemen of any two or more towns that might, together, contain forty families or upwards, might meet, and elect one representative.

The Senate and House of Representatives were to be styled—The Legislature of the State of Vermont.

To the end that laws might be more maturely considered, &c. it was provided that every bill, having passed the Senate and House of Representatives, should be presented to the Governor and Council for their approbation; if not approved, to be returned, with the objections, in writing, to that House in which it originated; and if, on re-consideration, the bill should pass both Houses, it should become a law, notwithstanding the disapprobation of the Governor and Council.

EXECUTIVE.

The supreme executive power was to be vested in the Governor, or, in his absence, the Lieutenant-Governor.

The Governor, or person acting as such, was empowered to commission all officers, and to fill vacancies; and to exercise all the other powers vested in the Governor and Council by the 18th section of the first Constitution; except that of judging in cases of impeachment.

An advisory Council, consisting of four, were to be annually elected by the Senate and House of Representatives, in the same manner as judges of the supreme court were to be elected; who were to meet with the Governor, at every session, "to advise with him in granting pardons, remitting fines, laying embargoes, revising bills," &c.

All commissions were to be signed by the Governor, and attested by the Secretary of State.

POWER OF APPOINTMENT.

Either House of the legislature were authorised to "nominate or elect," by ballot, judges of the supreme court, county courts, and courts of probate, major, and brigadier, generals, Secretary of State and sheriffs; and, without ballot, to "nominate or elect" justices of the peace; and transmit such nominations to the other House, for their approbation. If the other House should approve, the election was thereby consummated. If they should not approve, they were to make a nomination and transmit it to the House in which the nomination originated; and if both Houses could not thus agree, they should proceed to make the election by joint ballot.

Connected with the Constitution, thus proposed to be amended, we find the following address.

In Council of Censors, Nov. 30, 1792.

To the Freemen of the State of Vermont:

We have now the honor to submit to your consideration such amendments in the Constitution of this State, as have appeared to us the most adviseable.

Sensible that experience alone can evince the utility of political institutions, we have directed our attention rather to remedy the few inconveniences which have been found in the present Constitution, than to introduce theoretical improvements, the issue of which might be doubtful, and perhaps might have a tendency, in the end, to mar that political happiness which we have already attained.

One inconvenience we conceive to be, the vesting of all legislative power in a single and numerous body. Their numbers, which are necessary, in order fully to comprehend all the national interests, passions, manners and sentiments to which laws ought to be adapted, tend to encumber discussion and subject such legislatures frequently, to hasty and crude determinations. This, we have apprehended, to be a principal reason, why so many amendments, explanations, and alterations, have been constantly found necessary, in our laws. To remedy these inconveniences, by introducing a more deliberate discussion, in the proceedings of the legislature, we have proposed the addition of a Senate, who shall have distinct power, and an equal voice, in all affairs of legislation. To facilitate their deliberations, they are to be less numerous than the House of Representatives: we have taken care, nevertheless, that the Senate shall be, in the fullest sense, representatives of the people, and amenable to them, for their conduct, as much as the members of the other branch; and have so provided for their election as to give a different combination, and a more collective view, of the interests which they represent:—this we conceive, will introduce more deliberation into the business of legislation, and give to each branch, an opportunity of correcting many errors, which may otherwise escape attention.

We have thought it inconsistent with the principles of a free government, that the executive should have a negative on the proceedings of the legislature; nevertheless, as the executive have an opportunity of observing all difficuties, which arise in the execution of laws, and are the centre of information, upon that subject, we judge it necessary, that the legislature should be availed of such information:—we therefore propose, that all acts, before they pass into laws, shall be laid before the executive for revision: they are, however, to make no leading propositions, but simply to state their objections, if any they find, with their reasons, in writing, to the legislature; who still are to have the sole power of passing laws.

The other amendments are such, as, we are induced to believe, will better explain the several articles, and prevent the passing *ex post facto laws*, and make the practice, in the different branches of goverement, more uniform.

In examining the proceedings of the legislative and executive departments of this government, during the last septenary, we are happy to find no proceedings which we judge unconstitutional or deserving of censure.

The several taxes, in our opinion, have been justly laid; except where the legislature have doomed, in a few instances, towns, more than the amount of their lists, as returned by their listers; which has thrown an unequal burthen on the collectors of those towns.—The public monies, we find, have been expended with economy; and the several taxes, have been, generally collected.

On a retrospective view, it gives us pleasure to observe, the many valuable improvements which have been made in this government, since the first formation, and the mild and equal energy, which, by such improvements, has been added to the administration, and the increasing happiness of the citizens, in the security of their rights.

It has been our anxious endeavor, to add something to those improvements.—Our arrangements, on this head, we now submit, to the consideration of an enlightened community; to judge of their tendency, whether they are calculated in whole, or in part, to add any thing, to the improvement of our present system, to give a further security to the rights, and an increase of happiness to the people.

By order of Council,

SAMUEL KNIGHT, *President.*

Attest, ROS. HOPKINS, *Secretary.*

Note.—The second Council of Censors consisted of the following members, viz:—DANIEL BUCK, —— BRIDGEMAN, BENJAMIN BURT, ELIJAH DEWEY, JONAS GALUSHA, ANTHONY HASWELL, ROSWELL HOPKINS, SAMUEL KNIGHT, BERIAH LOOMIS, SAMUEL MATTOCKS, ELIJAH PAINE, ISAAC TICHENOR, JOHN WHITE.

MISCELLANEOUS.

RECORDS OF THE SUPREME COURT.*

STATE OF VERMONT—*Bennington, 10th December*, 1778.

THIS day met the Supreme Court for said State, in the Council-chamber at Bennington half shire, in the house of Mr. Stephen Fay in said town, agreeable to an act of the General Assembly of said State, made and provided for that purpose.

Present:—The HON. MOSES ROBINSON, *Esq. Chief Judge.*
JOHN FASSETT, JUN. and
THOMAS CHANDLER, JUN. *Esquires.*

Having, each of them, taken the necessary oaths of office, proceeded to the choice of a Clerk for said Court, agreeable to Constitution; at which time JOSEPH FAY, Esq. was appointed and sworn Clerk of said Court. The business of the day being referred, adjourned to 10 o'clock to-morrow.

December 11, 1778.

Met according to adjournment. Having opened said Court by proclamation, in due form, proceeded to call for the several Justices of the Peace for the county of Bennington half shire, and other officers having any recognizances, to deliver them to the Court, that the persons bound over to said Court might come to trial; among which was found a complaint of William Griffin against Jacob Galusha, for fraudulently taking and detaining from him a certain white horse, being the property of the plaintiff.—William Griffin, plaintiff, and Jacob Galusha, defendant, being duly called, answered, and appeared in Court, and joined issue in the case depending. The defendant pleading for an adjournment of said case, for the want of material evidence, the same was granted, and accordingly adjourned the trial of said case to the third Thursday of February next, at 10 o'clock of said day; to which time this Court now is adjourned, then to be holden at this place.

Attest, JOSEPH FAY, *Clerk.*

STATE OF VERMONT—*Bennington half shire County, Dec.* 14, 1778.

At a special Supreme Court, called on special occasion, for the trial of

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* The cases embraced in the records here given, have been *selected* from the *earliest* records of the Supreme Court.

—— ——,* who stands charged with enemical conduct against this and the United States of America, by going over and joining the enemies thereof;—the prisoner being called was accordingly arraigned at the bar, who plead guilty of the crime alledged against him, and prayed the mercy of the Court.

The HON. MOSES ROBINSON, *Esq. Chief Judge;*
JOHN FASSETT, JUN.
THOMAS CHANDLER, JUN. and
JOHN THROOP, *Esquires,* being present, as also
The HON. JONAS FAY, *Assistant.*

Having taken the case of the prisoner into consideration; having heard the plea of the prisoner, the evidences, and duly considered every attending circumstance relative thereto, do judge and order that the prisoner, —— ——, be banished and transported within the enemies lines at Canada, and to depart this State, on or before the 10th day of February next; and to proceed within the enemies lines, without delay, never more to return within this, or the United States of America, on penalty of being, on conviction thereof, before any court or authority proper to try him, whipped on the naked back, thirty and nine lashes; and the same number of lashes to be repeated once every week, during his stay:—paying cost, and to be held a prisoner in the custody of John Benjamin, Esq., sheriff, in and for the county of Cumberland,—who is hereby strictly commanded to see this sentence duly performed.

Attest, JOSEPH FAY, *Clerk.*

Having finished the necessary business to be done at this Court, ordered that the same be, and it is hereby dissolved.

Per order, JOSEPH FAY, *Clerk.*

STATE OF VERMONT—*Bennington half shire, Feb.* 18, 1779.

This day the Superior Court for said State, met at this place, according to adjournment.

Judges present:—The HON. MOSES ROBINSON, *Esq. Chief Judge.*
JOHN FASSETT, JUN.
THOMAS CHANDLER, JUN. *Esquires.*

The Court being opened by proclamation, in due form, according to time and place, having resumed, each one, his seat, the several Justices of the Peace, and other officers for the county and half shire of Bennington, being requested to deliver to the Court any and all bonds of recognizance of any persons bound to said Court:—

The case of William Griffin, plaintiff, and Jacob Galusha, defendant, which stood adjourned to this session, being called to trial; at which time, the defendant not appearing, neither in person, or by his attorney, was called off in default.

It is, therefore, the judgment of this Court, and they do hereby judge and order, that a certain white horse, now in the custody of the sheriff, the property of William Griffin, be delivered up to the said Griffin, and that the defendant pay cost.

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* In copying these records, the names of several persons have been omitted, for the reasons mentioned in the note, page 355.

Attest, JOSEPH FAY, *Clerk.*

Recording judgment,	£ 0	6	0
Judgment on default,	0	18	0
Sheriff and constable's fees,	1	2	0
Plaintiff's costs, as per bill,	10	6	0
	£12	6	9—discharged by the defendant.

Jacob Galusha, by his attorney, petitions this Court to grant a review of the case in which he was this day called out in default.

Adjourned to 9 o'clock, to-morrow morning.

Feb. 19, 1779.

The petition of Jacob Galusha, praying a review of the case in which he was yesterday called out in default, on paying cost, being granted:—William Griffin, who obtained judgment by default, being notified by the sheriff, the parties personally appeared before this Court, and joined issue accordingly; upon which the Court proceeded to trial.

Having taken the case now depending, relative to a certain horse, in dispute, as by complaint may appear on file, and having duly considered the same, the evidences and every attending circumstance relative thereto, do judge the said horse to be the just property of the said Griffin, and order the said horse to be delivered by the sheriff, to the plaintiff,—the defendant paying cost.

Present:—The Hon. Moses Robinson, *Esq. Chief Judge;*
John Fassett, Jun. *Esq.* and
The Hon. Timothy Brownson, *Assistant.*

Attest, JOSEPH FAY, *Clerk.*

Entering case, - - -	£0	1	6
Trial, - - - -	2	2	0
Recording, - - - -	0	6	0
Attornies' fees, - -	1	4	0
Plaintiff, one day attendance,	0	12	0
Fifty miles travel, - -	2	10	0
	£7	4	6—cost discharged.

At an adjourned Superior Court, holden at Westminster, in the county of Cumberland, on the 26th day of May, A. D. 1779:—

Present:—Moses Robinson, *Esq. Chief Judge.*
John Shepardson,
John Fassett,
Thomas Chandler,
John Throop, *Esquires,* } *Side Judges of the same.*

Stephen R. Bradley, Esq. was appointed Clerk of said Court, and sworn to a faithful discharge of that office.

Stephen R. Bradley and Noah Smith, Esquires, were appointed attornies at law, sworn and licenced to plead at the bar within this State.

Noah Smith, Esq. was appointed State's attorney within and for the county of Cumberland, *pro tempore.*

Freemen of Vermont versus *Nathan Stone.*

Noah Smith, States' attorney within and for said county, exhibited complaint against Nathan Stone of Windsor, in said county, that said Stone did, on or about the 15th of March, last past, at Windsor aforesaid, utter and publish, in the hearing of many good and faithful subjects of this State, these reproachful and scandalous words of the authority, to wit ;—God damn you (meaning the high sheriff of said county, John Benjamin, Esq.) and your Governor, (meaning his Excellency the Governor of this State) and your Council (meaning the Honorable Council of this State ;) which opprobrious language was a violation of the law of the land ;—as per complaint on file, dated 26th May, 1779.

The said Nathan Stone being brought before this court, plead guilty to said information and put himself upon the court.

Whereupon said court gave judgment that the said Stone pay a fine of - - - - £20 0 L. M. to the Treasurer of this State, and cost of prosecution taxed at 2 12 L. M.

£22 12—judgment settled.

At a superior court holden at Rutland, in the county of Bennington, on the 2d Thursday of June, A. D. 1779.

Present :—**Moses Robinson**, *Esq. Chief Judge,*
John Fassett,
Thomas Chandler, *Esq's. side Judges of the same.*
John Throop,

Nathaniel Chipman, Esq. was appointed attorney at law, sworn and licenced to plead at the bar within the State.

Noah Smith, Esq. was appointed States' attorney within and for the county of Bennington.

Freemen of Vermont versus *Hilkiah Grout.*

Noah Smith, States' attorney within and for said county, exhibited complaint that Hilkiah Grout, of Weathersfield, in the county of Cumberland, was guilty of conspiracy and treasonable conduct against the State, in that he came to Shrewsbury, on or about the 17th of February, last past, and did then and there assume the authority of a justice of the peace, and take upon himself to administer oaths to several persons, not being properly authorised or commissioned to do the same ;—all which wicked conduct was a flagrant violation of the law of the land ;—as per complaint on file, dated the 10th of June, 1779.

The said Hilkiah Grout being brought before the court, plead not guilty to the complaint, and put himself upon the country.

The jury empannelled and sworn by said court were ——— ——— ———* who returned their verdict that said Grout was guilty of the crime whereof he stood complained of.

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* Here follows, in the record, the names of the jurors which, for the sake of brevity, we have omitted.

Whereupon the court sentenced said Grout to pay a fine of £120 00
to the Treasurer of this State, and cost of prosecution taxed at 61 14

Execution granted June 12th, 1779. £181 14

—— —— versus —— ——.

—— ——, of Pollett, in said county, exhibited a petition to said court, setting forth that Phœba, heretofore his lawful wife, had been taken in adultery, in the very act,—therein praying for a bill of divorce, as the law directs.

The Court having heard the evidence, and fully considered the cause, are of opinion that the petition and allegations therein contained are proved—and therefore gave judgment that said —— have granted him a bill of divorce, in the following words, viz:—

By virtue of authority granted to this superior court, grounded on the sure and unerring word of God, we have thought fit, in consequence of Phœba, heretofore your lawful wedded wife, being taken in adultery, with ——, to divorce and release you the said —— from the said Phœba; and do hereby release you from that most sacred obligation contained in the marriage covenant, and from all and singular the effect or effects thereof, and separate you the said —— from the said Phœba in every respect wherein the marriage covenant had joined you, and each of you, together—You are, therefore no more one, but twain. What the laws of God and man have put asunder, let no man join together.

In witness whereof we have caused the clerk of this our superior court to sign our bill, and affix the seal of our court, at &c.

At a superior court holden at Bennington in the county of Bennington, on the first day of July, 1779.

Present:—Moses Robinson, *Esq. Chief Judge.*
John Fassett, } *Esq's. side Judges of the same.*
Jeremiah Clark, }

Noah Smith, States' attorney within and for said county, exhibited information to said court, that —— ——, —— ——, and —— ——, all of Claridon in said county, had, some time between the first and twentieth of May, last past, been guilty of harboring and concealing —— —— and —— ——, formerly of said Claridon, who had before gone and joined the open enemies of this, and the United States; all which was a violation of law and contrary to the form of a statute law of this State;—as per information on file may appear.

The delinquents being brought into court, and put to plead, —— —— pleads not guilty, but —— —— and —— —— plead guilty, and put themselves upon the court for trial.—The court having heard the evidence and fully considered the cause, gave judgment that said delinquents are guilty, and that said delinquents pay a fine of £1000 pounds each, to the Treasurer of this State, and cost of prosecution, taxed at £164 : 8, and stand committed 'til judgment be satisfied.

At a Superior Court holden at Bennington, on the third Tuesday of November, 1779.

Present:—Moses Robinson, *Esq. Chief Judge.*
John Fassett,
Jonas Fay, } *Esq's. side Judges of the same.*
Ira Allen,

James Mead versus *Lemuel White.*

The said Lemuel White obtained, by act of the Assembly, a rehearing in a cause before determined at a special court holden at Tinmouth, in said county, wherein said James Mead had obtained a judgment convicting him of felony in stealing a certain watch—as per complaint, judgment, &c. on file, may be seen.—The cause being called, said White appeared and plead that at the former court, the jury first brought him in not guilty, whereby he was forever acquitted by the law of the land from any damages that could accrue to any one by reason of the complaint:—nevertheless, the judge ordered said jury to return to a second consideration of their verdict, contrary to the laws of the land, and the rights of Englishmen;—by which unlawful means he was convicted of felony. He therefore prayed the court to reverse the former judgment, and restore him to his damages and cost:—to which said Mead replied; and the parties being at issue on the point, the court having heard the cause, are of opinion that the said White's plea is sufficient, and therefore gave judgment that the former judgment be reversed and set aside, and the said White be restored to his damages assessed by said court at £53 12 0
and cost of suit, taxed by court at - - - - 55 5 6

At a Special Superior Court holden at Bennington, by order of the Chief Judge, on Friday, the 28th day of July, A. D. 1780.

Present:—Moses Robinson, *Esq. Chief Judge.*
John Fassett, *Esq.*
Ira Allen, *Esq.* } *Side Judges.*
Jonas Fay, *Esq.*

Freemen versus —— ——.

Noah Smith, States' attorney, within and for said county, exhibited complaint to said court, that —— —— was knowing to —— ——'s endeavoring to join the enemies of this and the United States, on or about the first of July, 1780, and did conceal the same:—and did also, on or about the time aforesaid, use his influence to persuade and induce the said —— and others to join and comfort and assist the enemies of this and the United States;—as per complaint on file may fully appear.

The said —— being brought before the bar of said court, and called upon to plead to said information, plead not guilty, and thereof put himself upon the country. The jury empannelled and sworn, according to law, to try said cause, were as follows —— —— —— ——; which said jury having returned the following verdict that the said —— was guilty of the facts charged against him in said complaint;—whereupon the court did award and sentence the said —— that he pay a fine of £1200, lawful money, to the Treasurer of the State, and to be committed to goal, there to be held in close confinement for the term of two months from the date hereof and pay cost of prosecution, taxed at £79: 8, and execution go forth accordingly.

At a Superior Court holden by adjournment in Bennington, on the third Tuesday of August, A. D. 1780.

Present:—MOSES ROBINSON, *Esq. Chief Judge.*
JOHN FASSETT, *Esq.* } *Side Judges.*
JEREMIAH CLARK, *Esq.* }

Freemen versus —— ——.

Stephen R. Bradley, States' attorney *pro tem.* within and for said county, exhibited complaint to said court that —— —— of Shaftsbury, in said county, not having the fear of GOD before his eyes, but being actuated by the devil, in violation of the obligation he was under to the State, and endeavoring to subvert government, did defame the authority, magistrates and judges,* endeavoring to bring the same into contempt, and was guilty of spreading false news, &c.† and other atrocious crimes against the State has been guilty of, against the peace and dignity of the freemen thereof;—as per complaint on file may more fully appear.

The said —— being brought before the bar of said court, and called upon to plead to said information, plead not guilty, and for trial put himself upon the country:—The jury empannelled and sworn to try said cause, according to law, were as follows, viz: ———, which jury returned the following verdict—having found the said delinquent guilty of the facts charged in said complaint, brought him in guilty.

Whereupon, the court did award and sentence the said —— to pay a fine of £1200 to the Treasurer of this State, and be disfranchised.

At a Superior Court holden at Bennington, on the fourth Tuesday of August, 1781.

Present:—MOSES ROBINSON, *Esq. Chief Judge.*
JOHN FASSETT, *Esq.* }
PAUL SPOONER, *Esq.* } *Assistant Judges.*
INCREASE MOSELEY, *Esq.* }
JOHN THROOP, *Esq.* }

Freemen versus —— ——.

The grand jurors within and for the county of Bennington, exhibited an indictment to the superior court that —— —— of Pittstown in the county of Bennington, did, at Pittstown, in the county aforesaid, on or about the last day of July, 1781, traiterously know that certain persons, then at open war with this, and the United States, were lurking about in the woods, and among the houses of disaffected persons, &c.;‡ as per indictment on file may more fully appear. The said —— —— being brought before said court and called upon to plead to said indictment, plead not guilty, and for trial put himself on the country. The jury empannelled and sworn to try said cause, were as follows, viz: ———, which said jury returned the following verdict,—that the said —— —— was guilty of the facts charged against him in said indictment; whereupon the court gave sentence that the said —— pay a fine of £30, lawful money, and be imprisoned six months.

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* See act for the punishment of defamation, page 382.

† See act for the punishment of lying, page 369.

‡ See act in addition to an act against high treason, page 413.

At a Special Superior Court, holden at Westminster, in the county of Windham, on Thursday the 12th day of September, A. D. 1782.

Present:—Moses Robinson, *Esq.* *Chief Judge.*
Jonas Fay, *Esq.*
John Fassett, *Esq.* } *Assistant Judges.*
Paul Spooner, *Esq.*

Freemen versus *Jos. Peck.*

The grand jurors from the body of the county of Windham exhibited an indictment to the court, that Jos. Peck of Guilford in the county of Windham, not being a continental officer, did, after the first day of September, 1779, viz, on the first day of July last, accept and hold a military office, not derived from the authority of this State,* viz: the office of captain in the militia in the town of Guilford, under the authority of New-York; as per indictment on file may more fully appear.

The said Jos. Peck being called to the bar and being put to plead, plead not guilty, and for trial, put himself on the country. The jury being empannelled and sworn, returned the following verdict, viz:—that the said Peck was not guilty;—whereupon the court gave judgment that the said Peck pay cost of prosecution,† and stand committed until judgment be complied with.

PROCLAMATION OF PARDON.

By His Excellency THOMAS CHITTENDEN, Esquire,

Governor, Captain-General, and Commander in Chief in and over the State of Vermont:

A PROCLAMATION.

Whereas, sundry persons, inhabitants of this State, forgetting that great tie of allegiance that ought to bind every subject to a faithful obedience to that power which protects life, liberty and fortune, being instigated, partly from their own mistaken notions of government, not considering that all power originates from the people, whose voice is the voice of God, and building on a false hypothesis, that a public acknowledgment of the powers of the earth is essential to the existence of a distinct, separate State; but more especially deceived and led on by certain persons ordained of old to condemnation, who have crept in privily, to spy out and overthrow the liberty of Vermont, purchased at the dearest rate, who, acting under pretence of power assumed by a neighboring State, never derived from God or nature, being mostly enemies to the prosperity of America, have imposed their tenets upon the credulous, whereby many have been led to follow their pernicious ways, in consequence of which, many of my faithful subjects have been influenced to oppose the authority of this State,* and obstruct the course of civil law, thereby incurring the penalties of the law of society, which requires obedience to the powers that are.

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* See act to prevent persons from exercising authority, &c. page 389.
† See act in alteration of an act concerning delinquents, page 423.

And whereas the supreme authority of this State are ever willing to alleviate the miseries of those unhappy subjects who act through mistaken notions, and remit the penalties thereof; and inasmuch as the tares in this world cannot be separated from the wheat, without punishing the righteous with the wicked:—

I have thought fit, by and with the advice of my Council, and at the desire of the representatives in General Court assembled, to declare this my gracious design of mercy; and do hereby publish and declare to all person or persons residing within this State, a full and free pardon of all public offences, crimes and misdemeanors, heretofore committed within the limits of this State against the honor and dignity of the freemen thereof; remitting to all and singular the person or persons aforesaid, all penalties incurred for breaches of the peace,—such as riots, mobs, tumultuous assemblies, contempt to, and opposition of, authority;—excepting only, the crimes of high treason, and misprisons of treason, against this, or the United States:—and all persons indicted, informed against, or complained of, for any of the offences aforesaid, may plead this act in discharge thereof.

Provided, nothing herein contained, be construed to extend to any person against whom judgment has been already rendered; nor to bar any person from recovering private damage,—any thing contained herein, to the contrary notwithstanding.

And I do further recommend, and enjoin upon every denomination of men, strict obedience to the laws; as the executive authority are determined to carry into execution every good and wholesome law made by the freemen of this State. At the same time, I do assure the subjects that it is not the design of their rulers to take from any the peaceable enjoyment of his own possessions, acquired by the sweat of his brow,—whatever falsehoods, wicked, designing men may have spread, to disquiet the minds of the faithful subjects of the State of Vermont.

Given under my hand and seal at arms, in Windsor this third day of June, 1779.†

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* His Excellency, probably had reference to the disturbances in Cumberland county. See page 106-8

† This proclamation is copied from what appears to have been the *original draft* found in the office of the Secretary of State. Though unauthenticated by the Governor's signature, it is presumed to have been promulgated, substantially as it is here given; as we find it noticed in the journal of the General Assembly, under date of June 4, 1779, as follows—" Resolved, that his Excellency be requested to issue a proclamation of pardon to all rioters, &c.; which proclamation was read and approved of."

GOVERNOR'S SPEECH.

OCTOBER, 1779.*

Gentlemen of the Council and Assembly:

THE honor conferred on me by the freemen of this State, in appointing me their chief magistrate, demands a return of my warmest thanks: at the same time, I regret my inabilities to support the character of so important a station. Notwithstanding, as my appointment appears so unanimous, it affords me the highest satisfaction, and is to me a confirmation of their general approbation of my former conduct; therefore, I shall consider it my duty to serve the ensuing year, and by Divine assistance, shall labor to continue an equal, steady firmness, and impartial administration of justice, which has hitherto governed my conduct; relying on the candor and assistance of my Council and the Legislature for my support.

Gentlemen:

The Legislature having constitutionally met, I cannot forbear expressing to you my highest satisfaction in the many great and important advantages arising from the due execution and careful administration of the laws, since they took place, and cannot but rejoice when I reflect on the infinite difference between a state of anarchy, and that of a well regulated government; the latter of which we daily experience. And I most earnestly recommend to all magistrates, and others in authority under me, together with the freemen over whom I have the honor to preside, to persevere and let their conduct be uniformly just, and upright, and encourage one another to unite in the supporting and maintaining their common rights; which cannot fail to recommend this State to the impartial world. At the same time am unhappy to inform you that, notwithstanding the generous and lenient measures† with which the disaffected inhabitants in the lower part of Cumberland county,‡ have been indulged, yet they continue in their unjustifiable obstinacy against the authority of this State; I shall, however, recommend the suspension of the laws|| intended to have been executed on those offenders, at present, in consequence of a letter received from his Excellency John Jay, Eqsuire, President of Congress, inclosing certain acts§ passed by that honorable board, relating to a final settlement of all difference subsisting between

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* This speech is copied from the *original*, found in the office of the Secretary of State, and filed as follows:—"A speach of His Excellency Thos. Chittenden, Esq. 14th October, 1779."

† See Governor's proclamation, page 556.

‡ For some account of the disaffection in Cumberland County, here referred to, see page 106-9.

|| The law probably here alluded to, may be found, page 389.

§ See the acts here referred to, and the proceedings of the Legislature of Vermont thereon, page 110-14.

this and the adjacent States, which I now submit to you for your consideration; a subject of the greatest importance, and demands your most serious attention.

Your agents to Congress have attended, agreeable to their instructions, from time to time. Their proceedings I shall now lay before you for your perusal and approbation; which, I hope, will prove satisfactory. From every circumstance, I think we have the highest reason to believe that from the efforts of our agents and the interposition of Congress, our unhappy disputes with the neighboring States, will soon terminate in a final and happy issue.

With respect to the present situation of the domestic affairs of the State, it is with pleasure that I inform you that the measures pursued by the Board of War, by the assistance of Divine Providence, have proved effectually sufficient to defend our frontiers, against the ravages of the common enemy, while they have been permitted to execute their horrid vengeance on many of the innocent inhabitants of the different parts of the continent; which, in some measure, proves the approbation of Heaven to our Independence, and justifies the measures pursued to support and defend it. As the time for which the troops now in service, are engaged, expires the middle of November next, you will be careful to make such provisions for future defence, as your wisdom shall direct.

Gentlemen of the Assembly:

I shall, from time to time, during the session, digest and communicate to you, such other matters as shall appear to me to require your attention, in a full confidence that the same zeal to promote the common cause, for which the inhabitants of this State have hitherto been distinguished, will be equally conspicuous in your deliberations.

THOS. CHITTENDEN.

CONFISCATION OF ESTATES.

The confiscation of estates forms a prominent feature in the early history of the government of Vermont. This extraordinary power seems to have been exercised at a very early period,* and was continued during a number of years after the government was organized under the Constitution.† The compiler has been unable to find the records of the "Court of confiscation,"‡ or any papers connected with its proceedings, except the few which here follow, which have been discovered among the ancient files in his office, and which seem to have found their way there rather by accident than otherwise. These papers, however throw considerable light on the history of those proceedings, and are therefore preserved in this collection.

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* See Journal of the Council of Safety.

† See page 406.

‡ See note, page 530.

COMMISSION

FOR THE SALE OF CONFISCATED ESTATES.*

Whereas, the General Assembly of the Representatives of the freemen of the State of Vermont, did, at their last session,† order the confiscation and sale of the estates, both real and personal, of the enemies of this and the United States, living within this State, who have distinguished themselves, by repairing to the enemy, or other treasonable conduct, and did appoint the Governor of this State and the members of the Council, living in Bennington county, to be a court to confiscate and order the sale of said estates, in Bennington county, any four of whom should be a quorum.

To JOHN BURNHAN, JUN. *Gentleman*,

You being, by said Court, appointed, a commissioner to sell said lands, &c. you are hereby authorised and fully impowered, to sell at public vendue, or at private sale, all or any such lands, improvements, possessions, houses, mills or other buildings, or such part of them as you can sell to the advantage of this State, lying in the probate district of Bennington, formerly belonging to the persons whose names are in the list to this affixed, and is, by this court, confiscated, to the use of this State. You will give deeds in the name, and in behalf of the representatives of the freemen of this State. If the title was derived from the government of New-Hampshire, you will warrant the purchaser the said New-Hampshire title; and if the forfeiter had only the New-York title, where there is a Hampshire grant on said lands, you will sell the possession and improvement only. If the forfeiter had his title from the government of New-York, and there is no other grant or claim on the lands, you will warrant the premises from all claims under New-York. You will not sell on any other terms than for cash down; except you first have liberty in writing, from this court. You will take care to sell to persons who are known friends to this and the United States, and such persons as are disposed to settle and improve the lands, soon. Such of said lands, as are, by bargain or lease, actually made by any of the commissioners of sequestration, let out to any person or persons, for any term of time, you will sell, under such incumbrances; making such reserves as will be necessary to keep good the bargain or lease of said commissioner of sequestration. You will take all proper means to make public that you have such lands to sell. You will take the advice of the select-men of the town where you sell lands, &c. in what manner it is best to sell, before you determine the sale of any of the aforesaid lands, &c. If you choose to buy any of said lands, &c. yourself, you will make application to some other of the commissioners of sale of lands, who shall be authorised to sell to you any of said lands lying in the probate district of Bennington; and you are hereby authorised to sell lands, &c. to any of the commissioners for sale of lands, lying in any part of the county of Bennington, under the same restrictions and regulations, as you are, by this commission, authorised, to sell in Bennington probate district. You will take care to ascertain the bounds and quantity of lands you sell, in the deeds you give. You will take care to obtain all the writings that did belong to the persons, whose names are in the annexed list, in order to enable you to ascertain the proper title to the lands; as also the debts and credits of said persons. If any person or persons, within this State, is by you suspected to have in custody, or have any knowledge of, any papers that did belong to any of said persons, you are hereby empowered, by a summon or warrant, to call him or them before some assistant, judge of court or justice of peace, or chairman of committee, and examine him or them, under oath, relative to the matter. You will take a certificate, on oath, from the persons to whom you sell lands, &c. certifying the exact sum or sums of money they pay unto you for any of the aforesaid lands, &c.; also ascertaining the bounds and quantity—in what town—in what part of the town, and who was the forfeiter. You will mention in the deeds you give, the exact sum you receive. The aforesaid certificate you will transmit to this court, for record. You will lodge the moneys, arising from such sales, together with such moneys as you collect, being due by bond, note or otherwise, to such persons (which debts you are hereby authorised to collect) with the treasurer of this State, or his substitute: and after you have sold the whole of the estate of any of the aforesaid persons, you will apply to the Governor of this State or any one member of this court, who shall appoint two respectable freeholders of this State, commissioners, who shall advertise the creditors of said estate or estates, in the Hertford news paper, three weeks successively, at least one month before they shall meet, of the time and place of their meeting, their business, and to bring in their accounts against said estate or estates; also set a copy of said advertisement up in some public place in the town where the person last resided; where said commissioners will proceed to receive and examine the accounts against said estates, and determine the just debts due from such estate or estates, and a true list of them to you deliver; which list, together with a list of the collectable debts due to the forfeiter, you will forthwith transmit to the treasurer of this State. Said meeting you will attend in behalf of this State. Said commissioners to be paid a reasonable reward for their service. You will keep a just and true account of the time and money you spend in performing the business herein enjoined on you, and exhibit the same to this court for settlement.

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* With this commission has been found another, drawn in the same form, directed to Thomas Chandler, jun. Esq. as commissioner for the county of Cumberland, signed, "Thomas Chittenden, Governor," and dated Bennington, February 23, 1779.

† See page 267.

Given under my hand in Arlington, April 30, 1778.

THOS. CHITTENDEN, *President*
of the Court of Confiscation.

Attest, M. Lyon, *Clerk.*

[*Note.*—Here follow the names of fifteen persons, constituting the list mentioned in the foregoing commission.]

ORDER OF THE COURT OF CONFISCATION.

NORWICH, May 1, 1778,

By the Governor and Council of the State of Vermont.

THE court appointed to confiscate and make sale of the estates of such persons as are gone, and have been to the enemy, having attended to that business, and advised all persons concerned to appear and shew cause, if any they had, why the estates hereafter named, should not be confiscated to the use of this State;—and whereas no reasons do appear, and on the contrary, evidences appearing which clearly set forth their criminality:—

Therefore,

In consequence of the depositions, and also, by our own knowledge of many circumstances concurring therewith, whereby it appears to this court that the estates of ———* ought to be, and they hereby are, confiscated to the use of this State;—and we do accordingly appoint, and authorise Ensign Hosford, and Samuel Smith, commissioners to make sale of said estates, (except so much as is hereafter excepted) and audit the accounts which may be brought against the several estates, under the direction of the judge of probate of the district in which said estates lie; who is hereby directed to make return, both of the money received and accounts exhibited, to the Council of said State, under oath of office; and to administer the oath of office to the said commissioners; and either of said commissioners are hereby empowered to administer oaths to any person who shall offer said accounts for settlement; and also to give deeds in behalf of this State, to the purchasers of said forfeited estates.

The estates to be excepted, are, first, the hundred acre lot on which ——— now lives; and, secondly, the hundred acre lot now in the possession of the wife of ———.

And the judge of probate, together with the said commissioners, are hereby authorised to grant relief to any person or persons, suffering on account of the above forfeitures, as they, in their wisdom, shall see fit.

By order of Court,

PAUL SPOONER, *Clerk.*

WRIT OF SEIZIN.

STATE OF VERMONT—*Bennington ss., Arlington, June* 9, 1780.

To the Sheriff of the County of Bennington:

Agreable to a resolution of the Court of Confiscation, you are hereby commanded to dispossess the persons who are in possession of the farm formerly the property of the Reverend —— ——, who has joined the enemy, and whose estate has been confiscated to the use of this State; which farm lies in Pownal, and was sold by John Burnham, Jun. commissioner for sale of lands, to Daniel Story; and you are, if need be, to take to your assistance the *posse commitatus*, to put said Story in possession of said farm. Of this writ and your doings hereon make due return.

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* Here follow the names of sixteen persons, which we have omitted, for the reason suggested in note, page 355.

Given under my hand, per order of the Court.

M. LYON, *Clerk of the Court of Confiscation.*

On the foregoing writ, appears the following endorsement.

Bennington, June 21, 1780.

Then personally served the within writ by dispossessing Withrel Wittum and Mallaca Wittum, and put Daniel Story in possession, according as the within writ directs, and left a trew attested coppy with the said Wittums.

Per, BENJAMIN FAY, *Sheriff.*

ETHAN ALLEN'S COMPLAINT.*

BENNINGTON COUNTY, ss.—*Arlington, 9th of January,* 1779.

To the Honorable the Court of Confiscation, comes Col. Ethan Allen, in the name of the freemen of this State, and complaint makes that Levi Allen,† late of Salisbury, in Connecticut, is of Torey principles, and holds in fee, sundry tracts and parcells of land in this State. The said Levi has been detected in endeavouring to supply the enemy on Long Island, and in attempting to circulate counterfeit continential currency, and is guilty of holding treasonable corrispondence with the enemy, under cover of doing favours to me, when a prisoner at New-York, and Long Island;—and in talking, and useing influence in favour of the enemy, associateing with inimical persons to this country, and with them monopolizing the necessaries of life, in endeavoring to lessen the credit of the continential currency, and in particular, hath exerted himself in the most falacious manner, to injure the property and character of some of the most zealous friends to the independency of the United States, and of this State likewise; all which inimical conduct is against the peace and dignity of the freemen of this State: I therefore pray the Honorable Court to take the matter under their consideration, and make confiscation of the estate of said Levi before mentioned, according to the laws and customs of this State in such case made and provided.

ETHAN ALLEN.

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* A literal copy of the original, in the hand writing of Ethan Allen.

† Levi Allen was a *brother* of the complainant!

LIST OF GOVERNORS OF VERMONT,

FROM THE YEAR 1778, TO THE YEAR 1822.

Names of Governors.	Commencement of Service.	Expiration of Service.
Thomas Chittenden,	February, 1778,	October, 1789,
Moses Robinson,	October, 1789,	" 1790,
Thomas Chittenden,	" 1790,	(died) August, 1797,
Isaac Tichenor,	" 1797,	October, 1807,
Israel Smith,	" 1807,	" 1808,
Isaac Tichenor,	" 1808,	" 1809,
Jonas Galusha,	" 1809,	" 1813,
Martin Chittenden,	" 1813,	" 1815,
Jonas Galusha,	" 1815,	" 1820,
Richard Skinner,	" 1820,	" ——

LIST OF JUDGES OF THE SUPREME COURT,

FROM THE YEAR 1778 TO THE YEAR 1822.

Elected October, 1778.
Moses Robinson,
John Shepardson,
John Fassett, jun.
Thomas Chandler,
John Throop.

October, 1779.
Moses Robinson,
John Shepardson,
John Fassett, jun.
John Throop,
Paul Spooner.

October, 1780.
Moses Robinson,
Paul Spooner,
John Fassett, jun.
Increase Moseley,
John Throop.

October, 1781.
Elisha Payne,
Moses Robinson,
John Fassett, jun.
Bezaleel Woodward,
Joseph Caldwell.

October, 1782
Moses Robinson,
Paul Spooner,
Jonas Fay,
John Fassett,
Peter Olcutt.

October, 1783.
Moses Robinson,
Paul Spooner,
John Fassett,
Peter Olcutt,
Thomas Porter.

October, 1784.
Paul Spooner,
John Fassett,
Nathaniel Niles,
Thomas Porter,
Peter Olcutt.

October, 1785.
Moses Robinson,
Paul Spooner,
Nathaniel Niles,
John Fassett,
Thomas Porter,

October, 1786.
Moses Robinson,
Paul Spooner,
Nathaniel Niles,
Nathaniel Chipman,
Luke Knowlton.

October, 1787.
Moses Robinson,
Nathaniel Niles,
Paul Spooner.

October, 1788.
Moses Robinson,
Paul Spooner,
Stephen R. Bradley.

Oct. 1789 & 1790.
Nathaniel Chipman,
Noah Smith,
Samuel Knight.

Oct. 1791, 92, & 93.
Samuel Knight,
Elijah Paine,
Isaac Tichenor.

Oct. 1794 & 95.
Isaac Tichenor,

Lot Hall,
Enoch Woodbridge.
October, 1796.
NATHANIEL CHIPMAN,
Lot Hall,
Enoch Woodbridge.
October, 1797.
ISRAEL SMITH.
Enoch Woodbridge,
Lot Hall.
Oct. 1798, 99 & 1800.
ENOCH WOODBRIDGE,
Lot Hall,
Noah Smith.
October, 1801 & 2.
JONATHAN ROBINSON,
Royal Tyler,
Stephen Jacob.
Oct. 1803, 4, 5, & 6.
JONATHAN ROBINSON,
Royal Tyler,
Theophilus Herrington.
October, 1807 & 8.
ROYAL TYLER,
Theophilus Herrington,
Jonas Galusha.
Oct. 1809, 10, 11 & 12.
ROYAL TYLER,
Theophilus Herrington,
David Fay.
October, 1813 & 14.
NATHANIEL CHIPMAN,
Daniel Farrand,
Jonathan H. Hubbard.
October, 1815.
ASA ALDIS,
Richard Skinner,
James Fisk.
October, 1816.
RICHARD SKINNER,
James Fisk,
William A. Palmer.
Oct. 1817, 18, 19 & 20.
DUDLEY CHACE,
Joel Doolittle,
William Brayton.
October, 1821.
C. P. VAN NESS,
Joel Doolittle,
William Brayton.
October, 1822.
C P VAN NESS,
Joel Doolittle,
Charles K. Williams.

From the foregoing, it appears that *forty-five* elections of a Supreme Court in Vermont, have placed upon the bench *forty* different individuals! Of these,

Royal Tyler has received - - - - -	12	*Elections.*
Moses Robinson and Theophilus Herrington, each,	10	"
John Fassett, jun. and Paul Spooner, each, - -	8	"
Lot Hall and Enoch Woodbridge, each, - -	7	"
Nathaniel Chipman and Jonathan Robinson, each,	6	"
Noah Smith, Isaac Tichenor, Joel Doolittle and Wm. Brayton, each, - - - - - - - -	5	"
Nathaniel Niles, Samuel Knight, David Fay and Dudley Chace, each, - - - - - - -	4	"
John Throop, Peter Olcutt, Thomas Porter and Elijah Payne, each, - - - - - - - -	3	"
John Shepardson, Stephen Jacob, Jonas Galusha, Daniel Farrand, Jonathan H. Hubbard, Richard Skinner, James Fisk and C. P. Van Ness, each,	2	"
Thomas Chandler, Increase Mosely, Elijah Paine, Bezaleel Woodward, Joseph Caldwell, Luke Knowlton, Stephen R. Bradley, Israel Smith, Asa Aldis, William A. Palmer and Charles K. Williams, each,	1	"

Of the *forty-four* elections of a supreme court which have taken place since the lapse of the first year, *twenty-five* have resulted in a change of *some* of its members; and the longest period that the court has remained without such change, has been four years!

LIST OF SENATORS,

IN THE CONGRESS OF THE UNITED STATES,

FROM THE STATE OF VERMONT.

Moses Robinson,		*Elected October,*	1791
Isaac Tichenor,	for the unexpired term of Moses Robinson, resigned,	"	1796
Nathaniel Chipman,		"	1797
Israel Smith,		"	1803
Jona. Robinson,	for the unexpired term of I. Smith, resigned,	"	1807
Jona. Robinson,	for six years,	"	1808
Isaac Tichenor,		"	1814
Horatio Seymour,		"	1820

Stephen R. Bradley,		"	1791
Elijah Paine,		"	1794
Elijah Paine,		"	1800
Stephen R. Bradley,	for the unexpired term of E. Paine, resigned,	"	1801
Stephen R. Bradley,	for six years,	"	1806
Dudley Chace,		"	1812
James Fisk,	for the unexpired term of D. Chace, resigned,	"	1817
Wm. A. Palmer,	for the unexpired term of J. Fisk, resigned,	"	1818
Wm. A. Palmer,	for six years,	"	1818

LIST OF REPRESENTATIVES,

IN THE CONGRESS OF THE UNITED STATES,

FROM THE STATE OF VERMONT.

Names of Representatives	Commencement of Service.		Expiration of Service.	
Nathaniel Niles,	December,	1791*	March 3,	1795*
Israel Smith,	"	1791	" "	1797
Daniel Buck,	December 7,	1795	" "	1797
Matthew Lyon,	May 15,	1797	March 3,	1801
Lewis R. Morris,	" "	1797	" "	1803
Israel Smith,	December 7,	1801	" "	1803

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* The dates in the 2d and 3d columns indicate the commencement and close of the sessions in which the several members commenced and closed their services.

William Chamberlin,	October 17,	1803	March 3,	1805
Martin Chittenden,	“ “	1803	“ “	1813
James Elliot,	“ “	1803	“ “	1809
Gideon Olin,	“ “	1803	“ “	1807
James Fisk,	December 2,	1805	“ “	1809
James Witherill,	October 26,	1807	April 25,	1808
Samuel Shaw,	November 7,	1808	March 3,	1813
William Chamberlin,	May 22,	1809	May 1,	1810
Jonathan H. Hubbard,	“ “	1809	“ “	1810
James Fisk,	December 3,	1810	March 3,	1815
William Strong,	“ “	1810	“ “	1815
William C. Bradley,	May 24,	1813	“ “	1815
Ezra Butler,	“ “	1813	“ “	1815
Richard Skinner,	“ “	1813	“ “	1815
Charles Rich,	“ “	1813	“ “	1815
Daniel Chipman,	December 4,	1815	“ “	1817
Luther Jewett,	“ “	1815	“ “	1817
Chauncey Langdon,	“ “	1815	“ “	1817
Asa Lyon,	“ “	1815	“ “	1817
Charles Marsh,	“ “	1815	“ “	1817
John Noyes,	“ “	1815	“ “	1817
Heman Allen,	December 1,	1817	March 3,	1819
Samuel C. Crafts,	“ “	1817	—	—
William Hunter,	“ “	1817	March 3,	1819
Orsamus C. Merrill,*	“ “	1817	January 13,	1820
Charles Rich,	“ “	1817	—	—
Mark Richards,	“ “	1817	March 3,	1821
Rollin C. Mallary,	January 13,	1820	—	—
William Strong,	December 6,	1819	March 3,	1821
Ezra Meech,	“ “	1819	“ “	1821
Elias Keyes,	December 3,	1821	March 3,	1823
John Mattocks,	“ “	1821	“ “	1823
William C. Bradley, D. Azro A. Buck,	Incumbent after March 3d,	1823.		

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* Mr. Merrill was returned a member of the 16th Congress, and took his seat at the commencement of the session; but his election was successfully contested by Mr. Mallary, who took his seat January 13th, 1820.

EPITAPH.*

In Memory of William French
Son to M^r Nathaniel French Who
Was Shot at Westminster March y^e 13th
1775 by the hands of Cruel Ministereal
tools of Georg y^e 3d in the Corthouse at
a 11 a Clock at Night in the 22d year of
his Age

Here William French his Body lies
For Murder his blood for Vengance cries
King Georg the third his Tory crew
tha with a bawl his head Shot threw
For Liberty and his Countrys Good
he Lost his Life his Dearest blood

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* This epitaph is copied, *literally*, from the original inscription found on a monument in Westminster, and furnished to the compiler by the Hon. Wm. C. Bradley. It is preserved in this collection, both as a *literary curiosity* and as exhibiting an unequivocal indication of the *spirit of the times*. The history of the transaction which it commemorates, may be found in this collection, page 55–9.